



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

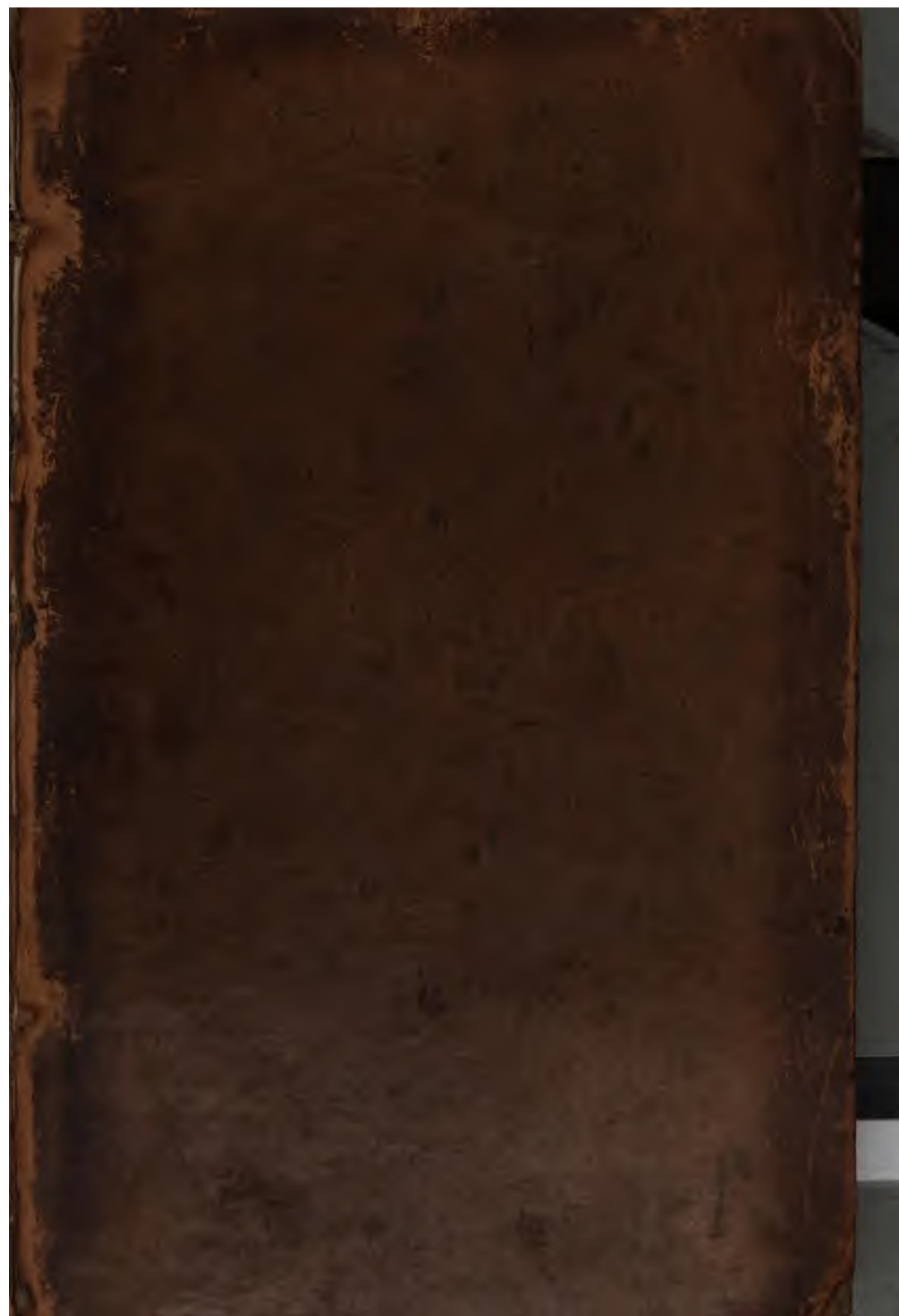
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



6514

G. Class I. No. 1345



LIBRARY
OF THE
CHAMBERS INSTITUTION

WITH PEEBLES.

This Volume must be returned within 14 days,
under the penalty stated below.

"If any book shall not be returned within the time specified on the label, the Librarian shall intimate, by a note put into the Post-office (for which Twopence shall be charged), that the book is required in the Library; and if the book shall not be returned within twenty-four hours after the posting of the note, a fine of Twopence per night shall be exacted for every night thereafter until the book be returned."

"In the event of any book being damaged or lost, it shall be in the option of the Librarian, either to impose a Fine, or to require that the book be replaced; and in case the volume shall be one of a series, it shall be in the power of the Directors to insist on the whole set being replaced."

This Volume contains—

Plates.....

Maps.....



1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000



A
GENERAL HISTORY
OF
SCOTLAND,
FROM
THE EARLIEST ACCOUNTS
TO
THE PRESENT TIME.

By WILLIAM GUTHRIE, Esq.

VOLUME THE THIRD.

L O N D O N,

Printed for the AUTHOR, by A. HAMILTON;
And sold by ROBINSON and ROBERTS, in Paternoster-Row.

MDCCLXVII.

DA

760

G98

V.3

A

GENERAL HISTORY

O F

S C O T L A N D.

DAVID THE SECOND.

THE earl of March had been obliged to repair, at his own charge, his castle of Dunbar, soon after the battle of Halidon; and having taken an oath of fealty to Edward, the government of it was committed to himself. Either not thinking himself sufficiently considered, or repenting of his compliance, he had joined the royalists, and had been very instrumental in their successes under the guardian. Upon leaving his castle, he committed it to the custody of his wife, who is known in history by the name of Black Agnes of Dunbar, and (if I mistake not) daughter to Randolph, the brave earl of Murray, and consequently grand-niece to the great Bruce. This lady inherited all

A.D. 1337.
Remarkable
siege of
Dunbar-
castle,

THE HISTORY

337. the courage and patriotism of her high lineage. The garrison under her had infested the roads between Berwic and Edinburgh, and in a manner rendered them impassable by the English; so that Edward gave orders to the best generals he had, to block the place up by sea and land. The lord Henry Plantagenet, the earls of Salisbury, Angus, Arundel, with the lords Nevil, Piercy, Stafford, and other noblemen, were employed in this service, to which twenty thousand of the best troops in England, and a strong fleet of Genoese galleys, were allotted. The siege, according to the best English historians, was for nineteen weeks carried on with inconceivable fury; but the place was defended with equal intrepidity by the gallant countess, who seems to have animated her garrison with her wit and humour, as well as her example and courage *. All, however, must have been ineffectual, had it not been for a spirited effort made by Sir Alexander Ramsay, who with a few chosen soldiers escaped through the English fleet, and threw a reinforcement of men and provisions into the place. Scotch authors are fond of intimating, that this seasonable supply,

* She would sometimes stand on the walls, and with a white handkerchief wipe the places where stones thrown from their engines had fallen; and once, as the English pioneers advanced under the covert of a certain machine, called a Sow, she said merrily, "That unless they looked well to their sow, she would soon make her cast her pigs." She was as good as her word, for soon after the engine was destroyed.

and

and a lucky fall made by the garrison, obliged the English to raise the siege. I am far from being of that opinion, though I think that it saved the castle. The greatest generals, the bravest troops, and the ablest seamen in Europe, were employed in the siege, and would not have abandoned it upon the arrival of forty men, which was all the reinforcement brought by Ramsay to the garrison. It is therefore reasonable to suppose, that the countess was confirmed in her heroic resolution to hold out the place some days longer, till she should see how the news brought by Ramsay of the state of Baliol's affairs would operate upon the English. Her expectations were answered, and the siege, in a few days, was raised, that the army might advance northwards to the assistance of Baliol and their countrymen. With this view, two large detachments were sent off, while the rest of the army was to return to England; the one under the command of the lord William Talbot; the other under the lord Richard Montague; but they were defeated by the royalists, and Talbot was made prisoner. The Scotch historians have been so ungrateful as not to give us the particulars of this defeat, and seem to have confounded some circumstances attending it with what had happened some time before; and indeed the like confusion is observable in the English historians, for Mr. Barnes has antedated this siege. That those two detachments

A.D. 1337.

which is
relieved.and the
English
defeated.

THE HISTORY

1338. tachments were defeated by the Scots, at this time, seems, however, to have been certain; for it is acknowledged, that soon after, the castles of Edinburgh, Stirling, Perth, and Cowper, were all the places of force which Baliol or Edward then held in Scotland. Such are the only operations of war in that country, during the year 1337, that I have been able to discover.

e. Edward began now to be more flexible with regard to David and his friends. He shewed himself willing to listen to a treaty, in which David should be considered as a principal; and a truce was in the mean time concluded between his plenipotentiaries and the Scotch commissioners, Sir Alexander Seton and Laurence Preston, which was to continue from February to Midsummer following. Edward, after this, prepared for his French expedition, but left the earls of Arundel and Angus his generals in Scotland, with plenipotentiary powers in all civil affairs. About this time, the royal interest in Scotland received a heavy blow by the death of the guardian, Sir Andrew Murray, who had with equal integrity and success restored, in some measure, the independency of his country, after it was thought to have been irretrievably ruined.

pt
10
f We are in the dark as to the conduct of the high-steward, now sole regent, for the last two years preceding his coadjutor's death, which creates some suspicion that he was discontented; but.

but he no sooner entered upon the sole exercise of his power, than he shewed himself worthy of it. The Scots, upon the expiration of the truce, carried fire and sword into the English borders; and, notwithstanding the inaccuracy of their historians, many gallant actions were performed. We are told they had, before this, endeavoured to surprize the castles of Stirling and Edinburgh, but that they miscarried in both attempts; which I suspect to have been antedated, but the mistake is of little consequence. It is certain, that Thomas Knawton, who acted as the English provost-marshal in Edinburgh, had been killed by one Prendergast, another Englishman, whom he had bastinadoed. The latter fled to the lord William Douglas, to whom he discovered in how loose and unguarded a manner the English lay in Edinburgh, and that it was very practicable to surprize the castle itself. Douglas made the attempt accordingly, with a chosen band of men, in the night-time, and put about four hundred English to the sword; but the garrison being alarmed, he retired without making any attempt upon the castle.

It is remarkable that the king of France had rejected the truce which the Scotch royalists had accepted, though they unquestionably, at this time, were daily receiving supplies of money and arms, and (if we believe the English authors) of troops likewise from France;

Success of
Douglas.

or

THE HISTORY

D. 1338. or her allies. If the Scots really received any troops from Philip, it is surprising that no mention is made of their officers, either in the Scotch or English histories of the time, especially after the steward had opened the campaign against the English in Teviotdale, which the lord William Douglas reduced to David's obedience, and received a new grant of it for himself and his heirs. Sir Thomas Berkley was the English general in those parts, and had the good fortune to surprise Douglas at Blackburn, and to cut off all the Scots of his party, excepting himself and other two (one of whom is said to have been the great-steward) who fought their way, and escaped through the English ranks. Douglas, after this, defeated a party of five hundred English and Scots under Sir John Stirling, with other flying bodies. Those slight successes encouraged him to make bolder attempts; and he attacked a large detachment of the English army near Melros, who were escorting a convoy of provisions. Here he was desperately wounded, but he carried off the convoy *. After this he took and fortified the castle of Hermitage in Liddefdale, and defeated another detachment of the English under Sir Laurence Vaux; and though he was five times repulsed, in one day, by Sir William Abernethy, one of Baliol's of-

* I am of opinion that this action happened in the rear of the English army, as it was returning from the siege of Dunbar.

ficers;

ficers ; yet, in the sixth attack, he defeated and took him prisoner. After this, towards the end of the year, or the beginning of 1339, Douglas went over to France, to lay before David the state of his affairs in Scotland, and the probability of his restoration, if farther reinforcements were sent from thence. A.D. 1339.

No general battle was fought while the earls of Arundel and Angus commanded for Edward in Scotland ; but in the beginning of the year 1339, the lord high-steward resolved to distinguish himself by opening the siege of Perth, which Edward and his engineers had fortified with uncommon skill, and provided with an excellent garrison. Sir Thomas Ochtred was its English governor ; and besides the English, the town was garrisoned by a considerable body of Scotch Baliolists. The defence they made for three months was so brave, that the steward was about to raise the siege, when Douglas arrived from France with a supply of five (Fordun says two) ships, some men, and all kind of provisions, under one Hugh Handpile. The English seem, at this time, to have been masters of the sea ; for Handpile, in attempting to succour the place, ran one of his ships aground, but afterwards recovered her. Fordun speaks of Handpile as if he had been a free-booter or pirate, which might have been owing to the French king's caution, in not suffering him to act under his flag or commission. The loss of

The Scots
retake
Perth.

his ship seems to have haunted him: for we are told, that the guardian paid him and his men for getting her off. Whatever may be in this, it is certain, that the reinforcement came in timely, that the town was surrendered by treaty, after a brave defence of four months. The garrison, Scots as well as English, capitulated for the safety of their lives and limbs: some marching off by land, and others being provided with shipping to carry them home-wards. The same author mentions two French engineers, and a famous engineer called Gélais de Rive. Some time before the surrender of Perth, William (afterwards Lord) Bullock, vic. warwick, was a design-man, and chamberlain of Scotland under Balcanquhall, as well as pay-master of the English and their adherents there, betrayed the cause of George to the high-landers, in consideration of a large estate, in which he was secured, and from fealty to David. This defection, however dishonourable to Bullock, was of little service to the royalists; for he advised the high-landers to reduce Perth, and was highly instrumental in their other successes. According to Forster, he was the most elegant of all his contemporaries, and had raised himself from a poor beginning to the highest offices of the time. It is probable, at the same time, he was detested even by the royalists as a traitor; for after he had amassed immense wealth, he was arrested at king David's suit, by Sir David Barclay,

clay,

OF SCOTLAND.

II

clay, for high treason; and died a prisoner in the castle of Mamore. A. D. 1339.

The absence of Edward in France no doubt contributed greatly to the success of the Scotch royalists. Baliol had no head for the chief management of affairs; and the English nobility, whom Edward had left in the government of the northern counties, were without either the power or the inclination to continue the war; for we know of nothing acted in the field after the reduction of Perth. The truth is, Edward's affairs on the continent, at this time, though he had taken upon himself the title of king of France, and treated Philip with the simple appellation of Philip of Valois, bore no very promising appearance. He had in a manner, been compelled to agree to a truce with the French; the sixth article of which provided, that there should be a truce between the English and the Scots for the same time; and certain persons were to be appointed, upon the borders of each kingdom, to see it observed, upon such conditions as had been formerly; which, if the Scots refused, the king of France was not to assist them with forces, nor any other ways to relieve or encourage them. And it was further agreed, that this truce should be notified, or proclaimed, in England and Scotland, six and twenty days after the date thereof. This truce was to last from the twenty-fifth of September 1340, to Midsummer following, dur-
C 2ing

A new
truce.

A. D. 1340. ing which time we know little of the internal affairs of Scotland, but that it was afflicted with a most dreadful famine through the long continuance of the war. As to Edward, his difficulties encreased every day. The debts he had contracted to his foreign auxiliaries were immense. His successes had hitherto been very indifferent, and England had been obliged to defray not only the expences of the garrisons which he and Baliol had still in Scotland, but to furnish them with arms and provisions of every kind; nor was the treachery of some of Edward's allies the least of the difficulties he had to encounter at this time.

Association
of the Eng-
lish.

Philip was fully sensible of his superiority; and David had served under him as a volunteer during the late campaign. His regency in Scotland (as the reader may perceive) was at liberty to accept the late truce or not, as they thought proper. They did the former; and Edward finding that Philip was determined not to abandon the Scots, resolved to repair to England in person, to raise money for paying his allies, and for renewing the war with Scotland. Before his arrival, he had recommended, in the most earnest manner, to the lords proprietors of the northern counties, that they would provide for the safety of the marches there. A kind of association was hereupon formed. Gilbert Umfraville, earl of Angus, the lord Henry Piercy, Ralph lord Nevil, the lord Anthony Lucy of Cocker-

Barnes,
p. 180.

Cockermouth, the lord John Segrave; undertook all together to set forth for Scotland at their own costs, two hundred and ten men of arms, and two hundred and twenty archers. The lord John Mowbray was appointed governor of Berwick upon Tweed, being retained for one year, his garrison consisting of a hundred and twenty men at arms, a hundred halberdiers, and two hundred archers; great part of whom were at his own charge. The lord William Felton, who was governor of Roxburgh-castle, besides thirty-six men at arms, and forty halberdiers, for his defence, was to furnish sixty men at arms, fifty halberdiers, and as many archers, for the field. Sir Thomas Rokeby undertook for the defence of the castle of Edinburgh and Stirling; and five of the northern noblemen engaged to furnish five hundred and fifty men for the protection of the borders. Baliol had now become so poor and despicable, that he could furnish but twenty men at arms, and subsisted upon a pension of three hundred pounds a-year, assigned him upon the revenues of the archbishopric of York, which happened to be then vacant. The uncertainty we are under as to the number which every man at arms, or knight brought to the field, leaves the force employed for the defence of the borders indetermined; but we cannot well suppose it to have fallen short of fifteen thousand men.

The

A. D. 1341.

The confusion of the Scotch chronology has disarranged some of the occurrences of this period; but there is no reason to suppose that the truce, which expired the twenty-fourth of June 1341, was broken. No sooner, however, did it expire, than the Scots took the field, having previously received large supplies of men and money from France. The earl of Angus, and other commissioners, in Edward's absence, arrayed the militia of Yorkshire, Nottingham, Derby, and Northumberland, and provided, in the best manner they could, for the defence of the borders; but they were unable to prevent the Scots from carrying their ravages to the walls of Durham. Sir William Douglas and Sir Alexander Ramsay of Dalhousie distinguished themselves chiefly under the steward during this campaign; the success of which was crowned by the recovery of Edinburgh-castle from the English, by the following stratagem, which was executed by Sir William Douglas and Sir Simon Fraser.

The war
renewed.

The Scots
retake the
castle of
Edinburgh,

That castle continued to be held by Edward, as part of his domain, and received frequent supplies from England by shipping, which generally landed at Leith, about two miles to the eastward. After the recovery of Perth, and about the time of the invasion of England by the Scots, those supplies became precarious, and were sometimes cut off; so that the garrison began to want several necessaries. Douglas, who

who was no stranger to its situation, ordered a body of men to conceal themselves in the ruins of some adjacent houses; and disguising himself, with a few of his bravest followers, as sailors and waggoners, they found means to present themselves before the castle, attended by a number of carts which seemed to be loaded, and which they pretended contained certain necessaries he knew the garrison expected. It being then but day-break, they appeared to be so anxious to conceal themselves and their convoy, that the porter gave the two knights admittance into an outer court, where Douglas killed him; and seizing the keys of the castle, opened an inner gate, the passage of which they soon barricaded with their carts, waggons, and their horses, which they hamstrung. The blowing a horn was the signal for those who had been concealed in the ruins, to run to their assistance; and they found Douglas and his friends warmly engaged with the garrison, in maintaining the gate they had barricaded. The arrival of the reinforcement put an end to the combat; and the Scots, after killing all the garrison but its governor Leigh, and six English esquires, took possession of the fortress *.

* Though there is no material difference in Froissard's and the Scotch account of this fortunate achievement; and though the fact is undoubted, yet it does not absolutely appear, whether it happened before the truce took place, or after it was expired; for Fordun fixes it to the seventeenth of April 1341, and mentions Bullock as being concerned in the exploit.

A. D. 1341.
and Stirling.

The reduction of the castle of Stirling was an object still more important than that of Edinburgh, and its siege was formed by the brave Douglas in the autumn of the year 1341. Edward resolved, if possible, to prevent its loss being added to the other disgraces of his arms. He was then in England, and having ordered the rendezvous of his grand army to be made at Berwic, he went to York; and according to the Scottish historians, he sent two armies, one under Baliol, and the other under the earl of Derby, to raise the siege, while he himself was preparing to follow them with forty thousand men. The news of this determined Douglas, who had excellent intelligence, to redouble his efforts; and being well provided with a set of battering engines, he plied the siege so warmly, that its governor Lemesi, though one of Edward's bravest and most approved officers, was obliged to capitulate, that he and his garrison should retire with life and limb, with their swords by their sides, and only one suit of apparel. As to the armies under Baliol and the earl of Derby, I am apt to think either that the dispositions made by the Scotch generals were so good, that they durst not attempt to raise the siege; or, which is still more probable, that they were obliged to return to England for want of subsistence.

Proposals
for a truce.

The castles of Berwic and Roxburgh were all that now remained of the mighty Edward's acquisitions

quisitions in Scotland, which, for almost fifty years past, might be considered as the grave of Englishmen. Edward was at Berwic with forty thousand foot, and six thousand horse, expecting supplies from his fleet, when he heard that he had lost Stirling. He immediately returned to Newcastle, and with difficulty concealed from his enemies the distresses of his army; but the troops under the earl of Derby wintered in the neighbourhood of Roxburgh. After the reduction of Stirling-castle, the high-steward Douglas, and the other patriot heroes, who had almost thus rescued Scotland, retired to the strong passes of their country, particularly within the forest of Jedburgh, wisely resolving to act on the defensive, without hazarding a general engagement with Edward. From thence we are told, by Froissard, that they sent proposals for a truce to Edward by a bishop, an abbot, and two knights, who found him at the beginning of December at Newcastle. Their proposals were to demand from him a truce for six months: That the Scots should, in the mean time, send into France to king David, “ to protest unto him, that unless he would return home by the month of May next following, with power able to meet his enemies of England in the field, and to defend his realm, then all Scotland would admit of king Edward’s government, and never after own either David, or any of his posterity, for their king; and that thus to do upon king

A. D. 1341. David's failure, all the lords of Scotland had agreed."

which are
agreed to.

Before I proceed, I am to observe, that the truth of those propositions rests originally upon the credit of Froissard, without receiving any countenance from the records, or the other histories of the time; and therefore their authenticity has been questioned by Abercromby with some degree of justice. I dare not reject them, because they may be reconciled to probability and the truth of history. The patriot Scots might reasonably think that their king, by continuing abroad, would contract ideas that were incompatible with public liberty; and that as he was now of age to head his armies and manage his affairs, his remaining longer in France could carry with it no favourable aspect for their common cause. They might even have received the hint from David himself, that he might take leave of his ally with the better grace; and very possibly some information of that kind might, in conversation, be dropped by the commissioners to Edward. After all, I cannot be of opinion, that those terms were the basis of the truce, which undoubtedly took place about this time; as Edward was far from being displeased at having a plausible pretence for dismissing his troops, and returning southward, while the Scots went into winter-quarters.

A.D. 1342.

In March 1342, a safe-conduct was granted to Adam bishop of Brechin, Patrick earl of March, William Douglas, and others, to treat on the part of David with other commissioners on the part of Edward. In the mean time, the latter had kept his Christmas at the abbey of Melros, and Sir William Douglas, with three other Scotch knights, paid a visit to the earl of Derby at Roxburgh, where they spent some days in martial amusements. From thence they adjourned to Berwie, where twelve Scotch knights were matched against twelve English; and of the former two, and one of the latter, were killed by chance. Those visits and interviews had a farther meaning than mere amusement. By what happened soon after, it appears, that the Scots took that opportunity of becoming acquainted with the strength and situation of the two places; for we are told by Fordun, that on the thirtieth of March, 1342, Sir Alexander Ramsay became master of the castle of Roxburgh by an escalade. This is some presumption, that the truce which had been concluded in the beginning of December was now expired.

Roxburgh
retaken by
the Scots.

By this time, Edward was heartily tired of maintaining Baliol, and was sincerely disposed towards a treaty with David. I do not perceive that he even made any dispositions to intercept that prince's return to Scotland, the intention of which was no secret, he having

Negocia-
tions with
England.

A. D. 1342. been publicly invited thither by the states, who employed Sir Robert Vesey and Sir Simon Frazer for that purpose; but David is said to have left France before their arrival there. It is not improbable, that Edward's moderation was dictated by his hopes of gaining over David from the French; but if they were, he was mistaken. When he and his queen came to take leave of Philip, the latter informed him, that he might expect to be more strongly supported than ever; and David renewed his professions of an eternal friendship for the French, to which he too punctually adhered. Among the Scots who were then in David's train was the earl of Murray, who, ever since the time he was made prisoner at Duplin, had been detained in England; but in the year 1340, the earl of March, Sir Alexander Seton, William Levingstone, and two other gentlemen, surrendering themselves as hostages in his stead, obtained leave for him to visit Scotland, and to go from thence to France, that he might raise his ransom-money. The famous Montague, earl of Salisbury, was then a prisoner in the hands of the French; and Philip, at David's request, generously consented that he should be exchanged for the earl of Murray, which was accordingly done, to Edward's great joy.

David lands
in Scotland.

In the month of June (according to Fordun) David and his queen Jane, attended by the earl of Murray and the faithful Sir Malcolm Fleming,

Fleming, landed at Innerberry in the Mearns, from whence they were conducted in triumph to Perth. The sight of their beloved Bruce's son inspired the Scots with a joy which rose almost to enthusiasm, and his behaviour endeared them still farther to his person. Not contented with thanking subjects who had served him with such inviolable fidelity, he called for lists of those who had fallen in the field in his cause, particularly at Duplin and Halidon, and made them all the amends that was in his power, by reinstating them in their possessions, adding to their estates, or otherwise providing for their fortunes. The scenes of ruin and devastation which every where presented themselves to his eyes, joined to the promises he had made to the king of France, inspired him with thoughts of revenge; and he ordered a general rendezvous of his army to be held at Perth, openly declaring, that he intended to make severe reprisals upon the English. According to the best contemporary authorities, his army, when mustered, amounted to sixty thousand foot, and thirteen thousand horse, among whom were several Danish, Swedish, and Norwegian knights, who attended the powerful earl of Orkney, and served as volunteers.

So numerous an army assembled in a small country, so often desolated as Scotland had lately been, and which had lost such numbers
of

Barbarity of
Douglas.

A.D. 1342. of inhabitants by the sword, is next credible; and, if true, confirms what I always more than suspected, that Scotland in those days, far more populous than present. It is with reluctance that I mention an event which I find recorded by I and which reflects dishonour upon the name of Douglas, one of the bravest of the patriots. According to that author, Sir Alexander Ramsay was, of all the Scotch the most accomplished, and had been the most fortunate and active in his inroads upon the English land. His great services in the frequent wars he had given to the English, and his taking the castle of Roxburgh, had recommended him, in a distinguished manner to David, who made him governor of the county of Teviotdale. This liberality was, perhaps, well judged. Douglas, who thought himself an undoubted right to those honours and by his own and his family services, to which they had belonged before they had been given by Baliol to the king of England, was asperated, that he resolved to destroy Ramsay. The latter happening to hold a court to his tenants in the church of Hawick, was suddenly surprised by Douglas, with whom he had been but lately reconciled; and when he was going with his followers into the assembly, he was slain to death three of Ramsay's friends, an

ried himself off a prisoner to his castle of Hermitage, where he was starved to death, being kept seventeen days without food. Those and other barbarities which happened about this time, were undoubtedly owing to that feudal independency which could bear no controul, and which was now affected by David's return. According to Buchanan, neither this daring murder, nor that of Bullock, which I have already mentioned to have happened in the same manner, was punished by David, who very possibly was destitute of power to bring such capital offenders to justice. The high-steward took part with Douglas, who absconded, and not only procured him his pardon, but reinstated him in the disputed government and county.

While David was mustering his forces at Perth, Edward was attentive only to making good his claim upon the crown of France, which now became his primary consideration. All he could do was to trust to the confederacy that had been formed amongst his Northern barons; and on the thirtieth of July he issued a writ, empowering Baliol to array all the militia beyond the Trent; but we know of very little effect that measure had, so despicable was Baliol now become in the eyes of the English. David marched from Perth to Dumfermling; and crossing the Forth he reached Northumberland. Edward having no army in
the

A. D. 1342.

the field to oppose him, the earl of Murray, under whom David himself served as a volunteer, ordered his army to be divided into several bodies, that they might more effectually lay waste the country; and meeting with no resistance, he laid siege to Newcastle. This town had been strongly fortified by the Northern confederacy, and was defended by Sir John Nevil, an excellent officer, who in a sally surprised a party of the Scots, killed five knights, whose names were Stuart, Craigy, Boyd, Eglington, and Fullerton, and obliged them to raise the siege. Froissard, who trusted a good deal to memory, and was therefore apt to confound, and sometimes exaggerate, facts, says, that the earl of Murray was taken prisoner, and carried into Newcastle; which exasperated the Scots so much, that they made a fresh assault upon the town, in which they were again defeated; and David raising the siege, destroyed the bishopric of Durham, took the city, spared neither holy men nor sacred edifices, and gave a full loose to the most cruel revenge. The circumstance of the earl of Murray's being taken prisoner, at that time, is undoubtedly a mistake, and makes the whole of Froissard's account somewhat doubtful. It is, however, extremely probable, that David proceeded with great severity through the bishopric of Durham; and that from thence he marched to Wark, which was defended by Sir Edward

The Scots
obliged to
raise the
siege of
Newcastle.

Mon.

Montague, a near relation to the earl of Salisbury, and the countess of Salisbury herself. Froissard has given that lady's actions a most romantic turn, and has inspired Edward with a passion for her, on this occasion, that never existed but in his writings.

A. D. 1342.

The truth is, Nevil, after the brave defence he made at Newcastle, posted to Edward, whom he found in Surry; and laying before him the dangerous state of his affairs in the North, Edward issued commissions, ordering his military tenants to assemble at York, where he was to head them in person against the Scots. As David had undertaken this expedition against the opinion of his wisest generals and counselors, who advised him to delay it till Edward should pass over to France, it was no wonder if the preparations made by the latter determined the king of Scotland (who had now taken upon him the command) and his generals to retire to their own country. They were so far from thinking of continuing hostilities, that they would have proceeded without attacking the castle of Wark, had not Sir Edward Montague, in a kind of a bravado, made a sally, and carried off from the rear, which was commanded by Douglas, a number of their horses and carriages laden with plunder. The Scots thought themselves bound in honour to revenge this insult; and facing about, they gave a desperate assault to the castle, but without

and return
to their own
country.

A. D. 1342. success. David, however, resolving not to be baffled, gave orders to renew the assault with more effect; and Montague finding that the place must be taken, if not relieved, left the command of it to the gallant countess, and escaping on a swift horse, in a dark night, through the Scotch army, reached Edward, who was advancing by slow marches, and informed him of the danger of the castle. A dreadful rain, which happened in the night-time, at once favoured Sir Edward's adventure, and disabled the Scots from completing their preparations to fill up the fosses of the castle, and renew the assault; so that a council of war being held, the Scots decamped only six hours before Edward (who had made forced marches, and whose troops were terribly fatigued) appeared in sight.

*Inaccuracies
of histo-
rians.*

Those incidents, which I have related from Froissard, might possibly, and but barely so, have happened. We have a detail in the records published by Mr. Rymer, from the first of June to the fourth of October (when he embarked at Sandwich for France) of Edward's principal motions; and they make no mention that he advanced farther northwards than Leeds, in person. The vacancies of some days, however, renders it possible that he might have made a hasty march, with part of his army, to the relief of Wark; and it is highly probable that the Scots retired before he could overtake them. Next day he passed

passed the Tweed, and marched towards the forest of Jedburgh. The rest of Froissard's account of this expedition is against all the evidence of records. He not only makes Edward return to the castle of Wark, where he spends some time in gallantry and feasting, but pursue the Scots at the head of his army into the forest, where he insulted them, but could not bring them to a battle, though many feats of arms were performed on both sides, generally to the disadvantage of the Scots; but it is allowed that in those skirmishes Douglas signalized himself, and kept the English in perpetual alarms.

Upon the whole, I am inclined to believe, and am supported in my opinion by the best English genealogists and antiquaries, that no such person as a countess of Salisbury resided at Wark at this time, and that if the English army continued its pursuit from Wark into Scotland, it must have been headed by Baliol, or the earl of Derby, or both. My conjecture is strengthened by the remarkable circumstance of an order from Edward, directed to the archbishop of Canterbury, towards the latter end of August, to offer up prayers for his success in the expedition which he had undertaken to France in person, and the prosperity of an army which he intended to send into Scotland.

This expedition (which, as I have already hinted, was obstinately undertaken by David) proved how much he was under the influence

David's partiality to the French.

A. D. 1342. of his French engagements. His country was lying in a manner desolate, and his subjects reduced to subsist upon the provisions they imported from abroad, or the plunder of the English. It was plain that Edward no longer maintained his implacable resentment against his brother-in-law, and that all he desired was to detach him from his French connections. All this was laid before David by the wisest of his counsellors; but such was the sense he had of his engagements with Philip, that it was with difficulty they brought him to agree to a proposal of a truce with Edward. Commissioners at last were appointed on both sides, and though the English proposed that it should continue for two years, David limited its duration to the first of May, in case the farther prolongation of it should not be approved of by Philip. From the completion of this period, I am of opinion that the Scotch noblemen disliked the continuance of the war; that it was owing to them that Philip agreed to the two years truce. The Scotch historians have given us no reason for his assent, and the French utterly condemn him for not strengthening David's hands at this time, and enabling him to reject the truce. As I have carefully omitted all matters not immediately relating to Scotland, I shall not now enter upon any particulars of the differences between Edward and Philip at this time, farther than is necessary for illustrating my history. Edward landed

landed in France in the beginning of October, A. D. 1342. and declared that he entered it not as an enemy to Philip, but as an ally to the count of Montfort, who claimed the dukedom of Bretagne against Charles of Blois, the French king's confederate. Edward was not fortunate in Bretagne, and the circumstances of both parties rendered an accommodation, or at least a truce, desirable. Pope Clement the sixth undertook to mediate. A short truce was accordingly concluded, which was prolonged on the nineteenth of January to three years, when matters might be ripe for a definitive treaty. The Scots were comprehended in this truce, and David was left at liberty to send plenipotentiaries to take care of his interest during the approaching conferences, which were to be held before the pope and his legates.

Edward, on his return to England in the spring of the year 1343, instructed his plenipotentiaries to make bitter complaints to the pope, that the Scots had disregarded their biennial truce. The pope complained to David on this head, but received very little satisfaction. Edward, at this time, in fact, wanted only a plausible pretence to carry on his war with France, which he thought his parliament was too cool in supporting. He had repeatedly offered to accommodate all matters with David; but the constant answer of the latter was, that he would do nothing without the participation

1343.

Complaints
of the Eng-
lish.

of

D. 1343.

write
rations.

of Philip. Thus matters being left to the arbitration of the pope, then residing at Avignon, the negotiation, through the different views of the parties, became so intricate, that Edward plainly told the pope he was resolved once more to have recourse to arms. He complained that Philip had excited the Scots to break the truce. He recalled his commissioners, the bishop of Durham, the lord Nevil, and the lord John Stirling, from thence, and declared with an oath, that he would, for some time, attend no business but the war with Scotland, which he was resolved to make the monument of his vengeance. He was instigated to this menace by Baliol, who was then his governor of Berwic, and by some of the English marchers, who exclaimed against the frequent infractions of the truce by the Scots, but with what justice, is uncertain; though there is too much reason to believe the situation of Philip's affairs to have been such, that he did all he could to prevail upon David to give a diversion to the English arms. Upon the return of the English plenipotentiaries, who had been sent to conclude a definitive peace with the Scots, Edward advanced to Berwic with a declared intention to invade Scotland; upon which the Scots laid siege to the castle of Lochmaben, which was defended by Sir Walter Selby, a brave English officer. Edward was preparing to march to its relief, when he heard that it was delivered by the valour of the garrison within,

within, and without, by that of the bishop of Carlisle, and the lord Anthony Lucy. Edward, notwithstanding this event, did not long adhere to the passionate declaration he had made; for a party of his troops being defeated under the lord Ralph Nevil, who was himself taken and sent prisoner to Dunbar, he agreed to another two years truce with the Scots; but in the mean time, he issued a commission, appointing Baliol to be his general upon the marches, to resist the Scots, if they should renew their inroads.

The Scotch historians have not, without some countenance from records, accused Edward of tampering about this time, by the agency of the lord Henry Piercy, Sir Maurice Berkley, and Sir Thomas Lucy, with the brave Douglas. To this he probably was encouraged by that nobleman having made a number of enemies among the Scots; but, however disgusted he might be, he certainly remained firm in his allegiance, and rejected all Edward's offers. This attempt to debauch so great a nobleman, very possibly provoked David to renew his hostilities with England. Edward called together his parliament on the ninth of June, and informed it that the Scots had broken the truce, to which they had declared they would pay no farther regard than was agreeable to the king of France. His parliament, upon this information, granted him a large supply, to enable Baliol to
take

1344.
The Scots
again invade
England.

A.D. 1342. of inhabitants by the sword, is next to incredible; and, if true, confirms what I have always more than suspected, that Scotland was, in those days, far more populous than it is at present. It is with reluctance that I here mention an event which I find recorded by Fordun, and which reflects dishonour upon the memory of Douglas, one of the bravest of the Scotch patriots. According to that author, Sir Alexander Ramfay was, of all the Scotch knights, the most accomplished, and had been the most fortunate and active in his inroads upon England. His great services in the frequent defeats he had given to the English, and his late retaking the castle of Roxburgh, had recommended him, in a distinguished manner, to David, who made him governor of that fortress, and bestowed upon him the county of Teviotdale. This liberality was, perhaps, not well judged. Douglas, who thought he had an undoubted right to those honours and castles by his own and his family services, to whom they had belonged before they had been granted by Baliol to the king of England, was so exasperated, that he resolved to destroy Ramfay. The latter happening to hold a court of his tenants in the church of Hawick, was suddenly surprised by Douglas, with whom he had been but lately reconciled; and who rushing with his followers into the assembly, put to death three of Ramfay's friends, and carried

ried himself off a prisoner to his castle of Hermitage, where he was starved to death, being kept seventeen days without food. Those and other barbarities which happened about this time, were undoubtedly owing to that feudal independency which could bear no controul, and which was now affected by David's return. According to Buchanan, neither this daring murder, nor that of Bullock, which I have already mentioned to have happened in the same manner, was punished by David, who very possibly was destitute of power to bring such capital offenders to justice. The high-steward took part with Douglas, who absconded, and not only procured him his pardon, but reinstated him in the disputed government and county.

While David was mustering his forces at Perth, Edward was attentive only to making good his claim upon the crown of France, which now became his primary consideration. All he could do was to trust to the confederacy that had been formed amongst his Northern barons; and on the thirtieth of July he issued a writ, empowering Baliol to array all the militia beyond the Trent; but we know of very little effect that measure had, so despicable was Baliol now become in the eyes of the English. David marched from Perth to Dumfermling; and crossing the Forth he reached Northumberland. Edward having no army in
the

A.D. 1342. the field to oppose him, the earl of Murray, under whom David himself served as a volunteer, ordered his army to be divided into several bodies, that they might more effectually lay waste the country; and meeting with no resistance, he laid siege to Newcastle. This town had been strongly fortified by the Northern confederacy, and was defended by Sir John Nevil, an excellent officer, who in a sally surprised a party of the Scots, killed five knights, whose names were Stuart, Craigy, Boyd, Eglington, and Fullerton, and obliged them to raise the siege. Froissard, who trusted a good deal to memory, and was therefore apt to confound, and sometimes exaggerate, facts, says, that the earl of Murray was taken prisoner, and carried into Newcastle; which exasperated the Scots so much, that they made a fresh assault upon the town, in which they were again defeated; and David raising the siege, destroyed the bishopric of Durham, took the city, spared neither holy men nor sacred edifices, and gave a full loose to the most cruel revenge. The circumstance of the earl of Murray's being taken prisoner, at that time, is undoubtedly a mistake, and makes the whole of Froissard's account somewhat doubtful. It is, however, extremely probable, that David proceeded with great severity through the bishopric of Durham; and that from thence he marched to Wark, which was defended by Sir Edward

Mon.

The Scots
obliged to
raise the
siege of
Newcastle,

Montague, a near relation to the earl of Salisbury, and the countess of Salisbury herself. Froissard has given that lady's actions a most romantic turn, and has inspired Edward with a passion for her, on this occasion, that never existed but in his writings.

The truth is, Nevil, after the brave defence he made at Newcastle, posted to Edward, whom he found in Surry; and laying before him the dangerous state of his affairs in the North, Edward issued commissions, ordering his military tenants to assemble at York, where he was to head them in person against the Scots. As David had undertaken this expedition against the opinion of his wisest generals and counselors, who advised him to delay it till Edward should pass over to France, it was no wonder if the preparations made by the latter determined the king of Scotland (who had now taken upon him the command) and his generals to retire to their own country. They were so far from thinking of continuing hostilities, that they would have proceeded without attacking the castle of Wark, had not Sir Edward Montague, in a kind of a bravado, made a sally, and carried off from the rear, which was commanded by Douglas, a number of their horses and carriages laden with plunder. The Scots thought themselves bound in honour to revenge this insult; and facing about, they gave a desperate assault to the castle, but without

and return
to their own
country.

A. D. 1342. success. David, however, resolving not to be baffled, gave orders to renew the assault with more effect; and Montague finding that the place must be taken, if not relieved, left the command of it to the gallant countess, and escaping on a swift horse, in a dark night, through the Scotch army, reached Edward, who was advancing by slow marches, and informed him of the danger of the castle. A dreadful rain, which happened in the night-time, at once favoured Sir Edward's adventure, and disabled the Scots from completing their preparations to fill up the fosses of the castle, and renew the assault; so that a council of war being held, the Scots decamped only six hours before Edward (who had made forced marches, and whose troops were terribly fatigued) appeared in sight.

Inaccuracies
of histo-
rians.

Those incidents, which I have related from Froissard, might possibly, and but barely so, have happened. We have a detail in the records published by Mr. Rymer, from the first of June to the fourth of October (when he embarked at Sandwich for France) of Edward's principal motions; and they make no mention that he advanced farther northwards than Leeds, in person. The vacancies of some days, however, renders it possible that he might have made a hasty march, with part of his army, to the relief of Wark; and it is highly probable that the Scots retired before he could overtake them. Next day he passed

passed the Tweed, and marched towards the forest of Jedburgh. The rest of Froissard's account of this expedition is against all the evidence of records. He not only makes Edward return to the castle of Wark, where he spends some time in gallantry and feasting, but pursue the Scots at the head of his army into the forest, where he insulted them, but could not bring them to a battle, though many feats of arms were performed on both sides, generally to the disadvantage of the Scots; but it is allowed that in those skirmishes Douglas signalized himself, and kept the English in perpetual alarms.

Upon the whole, I am inclined to believe, and am supported in my opinion by the best English genealogists and antiquaries, that no such person as a countess of Salisbury resided at Wark at this time, and that if the English army continued its pursuit from Wark into Scotland, it must have been headed by Baliol, or the earl of Derby, or both. My conjecture is strengthened by the remarkable circumstance of an order from Edward, directed to the archbishop of Canterbury, towards the latter end of August, to offer up prayers for his success in the expedition which he had undertaken to France in person, and the prosperity of an army which he intended to send into Scotland.

This expedition (which, as I have already hinted, was obstinately undertaken by David) proved how much he was under the influence

David's partiality to the French.

A. D. 1342. of his French engagements. His country was lying in a manner desolate, and his subjects reduced to subsist upon the provisions they imported from abroad, or the plunder of the English. It was plain that Edward no longer maintained his implacable resentment against his brother-in-law, and that all he desired was to detach him from his French connections. All this was laid before David by the wisest of his counsellors; but such was the sense he had of his engagements with Philip, that it was with difficulty they brought him to agree to a proposal of a truce with Edward. Commissioners at last were appointed on both sides, and though the English proposed that it should continue for two years, David limited its duration to the first of May, in case the farther prolongation of it should not be approved of by Philip. From the completion of this period, I am of opinion that the Scotch noblemen disliked the continuance of the war; that it was owing to them that Philip agreed to the two years truce. The Scotch historians have given us no reason for his assent, and the French utterly condemn him for not strengthening David's hands at this time, and enabling him to reject the truce. As I have carefully omitted all matters not immediately relating to Scotland, I shall not now enter upon any particulars of the differences between Edward and Philip at this time, farther than is necessary for illustrating my history. Edward landed

landed in France in the beginning of October, A. D. 1342. and declared that he entered it not as an enemy to Philip, but as an ally to the count of Montfort, who claimed the dukedom of Bretagne against Charles of Blois, the French king's confederate. Edward was not fortunate in Bretagne, and the circumstances of both parties rendered an accommodation, or at least a truce, desirable. Pope Clement the sixth undertook to mediate. A short truce was accordingly concluded, which was prolonged on the nineteenth of January to three years, when matters might be ripe for a definitive treaty. The Scots were comprehended in this truce, and David was left at liberty to send plenipotentiaries to take care of his interest during the approaching conferences, which were to be held before the pope and his legates.

Edward, on his return to England in the spring of the year 1343, instructed his plenipotentiaries to make bitter complaints to the pope, that the Scots had disregarded their biennial truce. The pope complained to David on this head, but received very little satisfaction. Edward, at this time, in fact, wanted only a plausible pretence to carry on his war with France, which he thought his parliament was too cool in supporting. He had repeatedly offered to accommodate all matters with David; but the constant answer of the latter was, that he would do nothing without the participation
of

1343.

Complaints
of the Eng-
lish.

A.D. 1343. of Philip. Thus matters being left to the arbitration of the pope, then residing at Avignon, the negotiation, through the different views of the parties, became so intricate, that Edward plainly told the pope he was resolved once more to have recourse to arms. He complained that Philip had excited the Scots to break the truce. He recalled his commissioners, the bishop of Durham, the lord Nevil, and the lord John Stirling, from thence, and declared with an oath, that he would, for some time, attend no business but the war with Scotland, which he was resolved to make the monument of his vengeance. He was instigated to this menace by Baliol, who was then his governor of Berwic, and by some of the English marchers, who exclaimed against the frequent infractions of the truce by the Scots, but with what justice, is uncertain; though there is too much reason to believe the situation of Philip's affairs to have been such, that he did all he could to prevail upon David to give a diversion to the English arms. Upon the return of the English plenipotentiaries, who had been sent to conclude a definitive peace with the Scots, Edward advanced to Berwic with a declared intention to invade Scotland; upon which the Scots laid siege to the castle of Lochmaben, which was defended by Sir Walter Selby, a brave English officer. Edward was preparing to march to its relief, when he heard that it was delivered by the valour of the garrison within,

Warlike
operations.

within, and without, by that of the bishop of Carlisle, and the lord Anthony Lucy. Edward, notwithstanding this event, did not long adhere to the passionate declaration he had made; for a party of his troops being defeated under the lord Ralph Nevil, who was himself taken and sent prisoner to Dunbar, he agreed to another two years truce with the Scots; but in the mean time, he issued a commission, appointing Baliol to be his general upon the marches, to resist the Scots, if they should renew their inroads.

The Scotch historians have not, without some countenance from records, accused Edward of tampering about this time, by the agency of the lord Henry Piercy, Sir Maurice Berkeley, and Sir Thomas Lucy, with the brave Douglas. To this he probably was encouraged by that nobleman having made a number of enemies among the Scots; but, however disgusted he might be, he certainly remained firm in his allegiance, and rejected all Edward's offers. This attempt to debauch so great a nobleman, very possibly provoked David to renew his hostilities with England. Edward called together his parliament on the ninth of June, and informed it that the Scots had broken the truce, to which they had declared they would pay no farther regard than was agreeable to the king of France. His parliament, upon this information, granted him a large supply, to enable Baliol to take

1344.
The Scots
again invade
England.

A.D. 1345, take the field; but this did not prevent the Scots from invading Westmoreland, and burning Penrith, Carleton, and several other towns in the neighbourhood. They were opposed by the bishop of Carlisle, Sir Thomas Lucy, and Sir Robert Ogle, and they defeated and killed Sir Alexander Strahan, who was at the head of one of their divisions. This invasion happened in autumn 1345, and was the only military transaction of any consequence that year.

Civil transactions.

It is to be lamented, that the Scotch historians have entirely confined themselves to warlike operations at this time, without informing us of their civil transactions. All we know of the latter, is, that David, soon after his arrival from France, exacted an oath of fealty from his subjects; and that his presumptive heir Robert, the great-steward of Scotland, was the first who took it. With regard to other matters, there is too much reason to believe that they were entirely managed by the French at David's court, and therefore were unknown to historians; but it is generally agreed, that this year ended with a short truce between the two nations; nor do I find that any hostilities were renewed between them before the year 1346, after Edward had gained the glorious battle of Cressy. They add, that, in the beginning of that year, they were busied in preparations for renewing the war with England; and though Edward had enabled Baliol to oppose them with a very

con-

1346.

considerable army in the field, yet the critical situation of his affairs in France had induced him to make very advantageous offers to David. The lords Mowbray, Roos, and Lucy, were sent by him to propose a definitive treaty, upon the footing of his restoring Berwic to the Scots, whose historians say, that he offered to give up the person of Baliol at the same time. This is unlikely; but that he offered to abandon Baliol's interest as king of Scotland, is past dispute. The best patriots of Scotland advised David to finish the negotiation upon the terms proposed; and we can only attribute it to his prepossessions in favour of Philip, and the French influence in his council, that he rejected the terms. Abercromby, and some writers of his cast, praise him for his conduct on this occasion, and ascribe it equally to his gratitude, good faith, and policy, which did not suffer him to abandon Philip. They even pretend that none of the truces he had concluded with Edward were binding, while the English were at war with the French. Such arguments can be called no better than trifling with public faith, and require no confutation.

The bulk of the Scotch parliament, which assembled in the autumn of the year 1346, after the battle of Cressy, approved of David's conduct; and in the month of October he assembled fifty thousand men. A quarrel that broke out before his march was of infinite prejudice to his

Diffension
amongst the
Scots.

A. D. 1346. affairs; for we are told that the earl of Ross surprised and murdered the lord of the Isles near the priory of Elcho, which created a great desertion from the royal army, each party returning to their habitations to defend itself from the attacks of the other. Notwithstanding some inaccuracies as to names, I am apt to think that a Highland chieftain was killed at that time, though not the chief lord of the Isles; but the confusion his death occasioned did not prevent David from proceeding upon his expedition. While Edward was laying siege to Calais, David marching from Perth to Dumfermling, from thence to Stirling, and then to Edinburgh, mustered his army, whose numbers undoubtedly are exaggerated by the English; for they tell us that it consisted of three thousand men at arms, thirty thousand common soldiers, and fifteen thousand Genoese cross-bows, besides French. They pretend, what is still more extraordinary, that the thirty thousand common soldiers were mounted upon geldings and galloways, a strong useful species of small horses; a circumstance as incredible as that there should be fifteen thousand Genoese cross-bows at that time in Scotland.

David invades England.

David, without making any attempt upon the castle of Roxburgh, which had been recovered by the English, is said to have proceeded to the fortress of Liddel, which he took by storm, and put all within to the sword. Sir Walter Selby is

A.D. 1346.

is said to have commanded the garrison, and to have capitulated with a Scotch knight for his life. The bargain was disapproved of by David, who ordered Selby's head to be struck off, and two of his sons to be strangled in his presence. This cruelty is related by Hollinshed and Stowe, two modern English writers. Without contradicting its veracity, we are not certain whether, as the town was taken by storm, the Scotch knight had a right to make any such capitulation. Be that as it will, the Scots marched next to Lanercost, which they plundered. Then passing the river Erthing, they entered Northumberland; but though the priory of Hexham was pillaged, David ordered the town to be saved, that it might serve as a magazine for his army in its return from York, to which he was bending his march. He is said to have given orders that three other towns, Corbridge, Durham, and Darlington, should be spared for the like reason. In his march to Durham, he would have rendered the whole country a desert, had not some of the monks paid him a contribution of a thousand pounds, to spare their estates; but, according to Knighton, every Englishman who fell into his hands, if he could not redeem his life by paying three-pence, was put to the sword.

As I find nothing in the Scotch histories that can contradict those facts, I have given them a place; and all the apology I have to make for

A. D. 1346. David, is, that admitting them to be true, the English had often set him the precedent, even by the confession of their own writers. That those of England have been credulous, on this occasion, may be strongly presumed, from their telling us that David was admonished in a dream, not to touch any thing belonging to the votaries of the good St. Cuthbert.

is opposed.

The queen of England hearing of this invasion, issued orders for the lords marchers to assemble their troops, which she reviewed at York in person, attended by the two archbishops. Her appearance, the spirit she discovered, and the piety of the prelates, added to the reports of the Scotch barbarities, which had been so industriously propagated, no doubt, had a wonderful effect upon the English; for, in a few days, she was at the head of a noble army, which was formed into four divisions. The first was commanded by the lord Henry Piercy, under whom served the earl of Angus, the bishop of Durham, and other noblemen of the North. The warlike archbishop of York headed the second division, and under him were the bishop of Carlisle, and the lord Nevil. The third division was led by the bishop of Lincoln, the lord Mowbray, and Sir Thomas Rokeby. Baliol commanded the fourth and principal division, and was attended by the archbishop of Canterbury, the lord Roos, and the sheriff of Northumberland.

The

The disposition of the Scotch army is variously reported; but the best authors agree that the king in person headed a chosen battalion, composed of his French auxiliaries, and the flower of his nobility. The high steward of Scotland and the earl of March headed the second line, as the earls of Murray and Douglas did the third and last. The numbers of the two armies are variously reported; all we know is, that when that of the English was mustered at York, it amounted to sixteen thousand men, according to their authors; but this number probably was exclusive of the troops raised by the lords marchers, and which joined them before they reached Durham. The number of the Scotch army who were engaged is uncertain; for whatever it might be when it left Scotland, the common people never failed to make the best of their way homewards, especially in autumn, as soon as they had acquired booty; and this more than once occasioned the most dreadful calamities to their country. While the English were on their march towards Durham, the lord Douglas and Sir David Graham skirted them with a body of horse, but were driven back upon their main army with considerable loss. The battle then became general, and showers of arrows were exchanged; but in that distant way of fighting, the Scots perceived themselves over-matched by the English archers. Upon this the lord high-steward charged the archers sword in hand,

A.D. 1346.

A battle in which he is made prisoner.

A. D. 1346. hand, with so much fury, that they fell back upon lord Henry Piercy's division, which must have been totally defeated, had it not been supported by Baliol, who commanded in chief, and reinforced them by a body of four thousand horse. These advancing on a smart trot, changed the fortune of the day; but the lord high-steward and his line made a masterly retreat. Baliol, without pursuing them, wheeled round and flanked the division commanded by his rival David, which was engaged with another line of the English, and was soon cut in pieces. All the troops about that king's person were reduced to eighty noblemen and gentlemen; and he himself, after performing wonders in his own person, was wounded in the head with an arrow. Even in this desperate state he refused to ask for quarter, imagining that he would be relieved by the high-steward and that line of his army which was still entire under the lords Murray and Douglas. The latter moved to his assistance when it was too late. David perceiving himself totally over-powered, was endeavouring to retreat, when he was overtaken by a party under one John Copeland, who lost two of his teeth by a blow of David's gauntlet. The latter finding it vain to resist, asked if any man of quality was among his pursuers; and Copeland pretending that he himself was an English baron, David gave him his sword, and surrendered himself his prisoner.

This

This happened near a village called Merington; nor does it appear that David had a single attendant about his person when taken. In the mean time, the division under the lords Mowbray and Douglas had been totally routed by Baliol, to whose valour the English victory was owing. In this battle the Scots are said to have lost fifteen thousand men, John Randolph earl of Murray, the earl of Strathern, the lord David Hay, constable, the lord Edward Keith, marshal, together with the chancellor and chamberlain of Scotland, the lord Philip Meldrum, the lord John Stuart, and Allan Stuart his brother, Maurice Murray, John Crawford, Robert Leslie, William Haliburton, Reginald Kirkpatrick, John Mireon, Patric Herring, Sir Michael Scot, Roger Camon, Sir Alexander Gordon, Sir William Fraser, Sir John Lindsay of Glenesk, Sir Thomas Vaux, Sir Dougal Campbell, Sir Alexander Bodeval (Bothwell we suppose) who that day carried the king's standard, and Sir Alexander Ramsay, called the Flower of Chivalry, (an appellation bestowed by the Scots upon all knights who excelled in arms) besides many others. Some French knights fell likewise; for we have the names of Humphrey Blois, Robert Maltalent, John de la Moir, and John Bonville.

Among the prisoners, besides the king, were the bishops of St. Andrew's and Aberdeen; the earls of Fife, Sutherland, Douglas and Menteith, together with the earls of Carric and Wigton;

A. D. 1346.
Loss of the
Scots.

Aber-
cromby.

Their pri-
soners.

A.D. 1346. Wigton; the lord James Douglas, brother to the earl of that name; Malcolm Fleming, Robert Vefay, William Kinaston, William Ramsay, David Bunant, John Sinclair, William Mowbray, Henry Ramsay, Thomas Bird, Walter Halyburton, William More, Gilbert Carric, Nicholas Clepodoham, Patrick Dunbar, William Garden, John Maxwell, Fergus Crawford, Alexander Steel, David Annand, Robert Macpeth, Duncan M'Donald, William Livingston, David Fitz-Walter Fitz-Gilbert, Andrew Campbell, John Preston, George Abernethy, John Stuart de Dalswinton, Walter Moign, Thomas de Lippes, Lawrence Gillibrënd, Adam Fullarton, William Bayly, William Murray, John Giffard, Robert Wallace, Bartholomew Drummond, Robert Chesholm, David Graham, John de Valence, Eustace Lorrain, and Peter Her-ryng.

As to the loss of the English, some of their authors mention no more than four knights, and five esquires; but the number of the commons who were killed, which must have been considerable, is not mentioned; and it is owing to Dugdale, an English antiquary, that we know the lord Ralph Hastings was here mortally wounded. The vast plunder which the English found among the Scots proved favourable to the latter; for the love of pillage rendering them careless about their prisoners, many of them escaped and joined the division

division under the high-steward and the earl of A.D. 1346.
March.

The relation of this battle, by Scotch as well as English authors, renders it highly probable that it was owing to two causes. The first was the imprudence of David himself, and his predilection for the French, to whom he committed his life and honour. The second was the fatal feudal jealousies among the great men, who often would have fought each other rather than their common enemy. To one, or both, of those causes we are to ascribe the backwardness of the earls of Murray and Douglas to engage till it was too late, and till David's division was entirely ruined; and the caution of the high-steward, who never returned with his line to the charge, though his loss of men had been but inconsiderable. It must be acknowledged, that this behaviour, in the presumptive heir of the crown, had a suspicious aspect, and was afterwards highly resented by David himself. The distance of the time, and the penury of evidence, disables me from making any other apology for his conduct, than that it was justifiable; because David, probably before his death, forgave him, treated him with affection, and confirmed his succession to the crown. This battle was fought on the thirtieth of September *.

Causes of
the defeat.

* Boece has been so amazingly inaccurate, that he has placed this battle in 1348.

A. D. 1346.
Disputes
about Da-
vid's cap-
ture.

The capture of David was attended with very peculiar circumstances. He was stripped of a famous cross, perhaps the same which had belonged to Edgar Atheling (though other writers have made it fall from heaven, on the spot where the abbey of Holyrood-house now stands) besides other jewels to a great value. The booty was so considerable, that David, who had received another wound, being single, Copeland, instead of carrying him back to the main army, conveyed him privately to the castle of Bamborough, belonging to his friend the lord Piercy; so that, for some time, it was not known where he was, or that he had been made a prisoner. The queen no sooner understood the place of his captivity, than she resolved to reclaim him; and for that purpose sent a herald to the castle of Ogle (belonging, according to Mr. Barnes, to Copeland himself) to which he had been removed. Copeland, though no baron nor knight, was a brave, resolute man, and had acquired a very considerable interest among the nobility of the North. He flatly refused to deliver up his royal prisoner to the queen, or to any person who could not produce an order for that purpose under Edward's hand and seal. The queen repented this resolute behaviour as an insult to her majesty, and wrote over bitter complaints of Copeland's behaviour to the king, who was then employed in the famous siege of Calais. Edward, without

out being moved by his queen's representations, ordered Copeland to appear before him in person, which he did, after having resigned the custody of David to the lord Nevil, a nobleman in whom he had the greatest confidence. The vindication of his conduct to Edward was so plain and manly, that that prince approved of all he had done, rewarded him with five hundred pounds a year, and sent him back with the honour of knighthood to England.

By this time, the number of prisoners that had been made in the north of England was so great, that they had become burthenfome to their captors; and many of them were dismissed, some without any ransom, and others upon giving a slight security for their paying certain trifling sums on their return to Scotland. Edward being apprised of this practice, interposed his royal authority, by ordering, that none should have their liberty without his special permission; that the prisoners of quality should be carried to London, and the others distributed through different parts of the kingdom. We are told that, in consequence of this order, and by the command of Edward, no fewer than twenty thousand men were assembled by Copeland, who escorted his royal prisoner from the castle of Ogle, till the lord Nevil, by indenture, delivered him into the hands of Sir Thomas Rokeby, sheriff of

His entry
into Lon-
don.

Rymer,

A.D. 1346. Yorkshire, on the twentieth of December. He was conducted in the same pompous manner on all the road, and was mounted upon a large black courser when he made his entry into London. David's treatment on the road, and his reception in London, were very magnificent, and had been directed by Edward himself, whose manners were now greatly softened towards the Scots. David's graceful appearance, his exile and captivity, touched the hearts of the English wherever he came. He was received in London, with the greatest solemnity, by the lord-mayor and the other magistrates, the city companies, under arms, lining all the streets through which he passed, the houses being loaded, even to their ridges, with spectators, who expressed a generous concern for his captivity, though it added lustre to their own country. Being arrived at the Tower, he was delivered, by indenture likewise, to the custody of the constable, the lord John Darcy, on the second of January, 1347; and, tho' strictly guarded, he was respectfully treated.

The earl of
Menteith
executed.

Of all the illustrious Scotch prisoners taken at the battle of Durham, Edward was the most exasperated at the earls of Menteith and Fife. The family of the former lay under great obligations to the kings of England *; and both

* Abercromby calls this nobleman Graham; but, according to the accurate Ruddiman (See Sel. Dip.) the title did not come to that surname for some years after; for it went from the Crammings

of them performed their oaths of fealty to Edward and Baliol, for which they were by Edward, without trial, condemned for high-treason. Menteith was accordingly executed as a traitor, and his quarters sent to different towns of England; but the earl of Fife was pardoned, on account, as is said, of some distant relationship he had with the royal family of England.

Baliol, who was as active as brave, again considered himself as fighting for a crown, and his progress was rapid. Before the end of the year, he recovered all that the Scots held in England, reduced the castles of Hermitage and Roxburgh, the forest of Etric, the Merse, and the counties of Annandale, Teviotdale, and Tweeddale. Some English writers say, that those successes were owing to the lords Nevil and Pierty, without taking any notice that Baliol was present in person, and commanded in chief. The limits of the English dominions extended thereby to Cockburns-path and Soutry-edge. As to the Scots, though they blamed their king for his obstinacy, they pitied his misfortunes, and continued attached to his cause. The conduct of the high-steward, notwithstanding the appearances that were against him, was approved of by the states, and he was once

Progress of
Baliol.

Carte.

ings to the Stuarts, and then to the Grahams. The Scotch genealogists, however, say, that Mary countess of Menteith was married to Sir John Graham, who in her right enjoyed that title.

more

A.D. 1347. more chosen guardian of the kingdom. Every circumstance considered, had it not been for him, Scotland must have been now reduced to as wretched a situation as she was in under the first Edward; but he acted with a prudence equal to the high station he filled. Baliol having mustered his army, formed it into two divisions; one of them, consisting of twenty thousand men, commanded by himself, entered Scotland by the way of Carlisle, as the other, under the lords Piercy and Nevil, did on the side of Berwic. Baliol's intention, by this division, was to ravage Galloway, Niddsdale, and Carric, while the two lords were laying waste Lothian and Clydesdale; and that the two armies should join near Edinburgh, and from thence march to Perth. He succeeded to his wish. The guardian had withdrawn all opposition from the field; the defenceless inhabitants durst not dispute the legality of his title; the junction was formed, and the whole army marched in a body towards Perth. **Carte.** Modern English historians say, that they were stopped in their march by the submissions of the Scots, who prevailed upon Baliol to grant them a truce, upon the payment of nine thousand pounds; but this is against not only probability but evidence. Though the necessities of Baliol might have tempted him to such a proceeding, yet it cannot be supposed that the English would have submitted to so mean-spirited

spirited a compact; nor is there a single record to prove the fact, though it is certain that a truce at this time took place, through the following means. A.D. 1347.

The taking of Calais, though glorious to Edward, had cost him a vast number of men, and reduced his finances to a very low condition. Edward therefore listened to the mediation of the pope by the cardinal of St. Cecilius, and on the twenty-eighth of September a truce was concluded between him and Philip, which was to continue till the ninth of July, 1348; the first article of which was as follows: That the Scots, among others, should be comprised on king Philip's part; and that the truce should be proclaimed on the marches both of England and Scotland: provided always, that, whether the Scots should refuse to accept or hold the said truce or not, it should nevertheless continue firm and inviolable between the two kings, and others their allies. The operation of this truce, therefore, must have taken place about the time that Baliol was marching towards Perth. We are, in the mean time, to observe, that it is probable, from the advanced season of the year, Baliol's progress * had not been so rapid as is pretended. A truce.

* Carte, the English historian, is equally inconsistent and inaccurate in his account of this truce. He says, that the Scots bought it till September the eighth, to get time to treat for David Bruce's ransom; but that view not succeeding, they renewed their hostilities. What views could the Scots have in throwing away

A. D. 1347.
Conduct of
the Scotch
patriots.

The truth is, the part acted by the guardian and the nobility of Scotland, on this occasion; was heroical and patriotic. They were by no means fond of the truce; nor does it absolutely appear that it ever had been formally accepted of by the guardian and the states, though it had been proclaimed upon the borders, which gave Edward a pretence to alledge that, by breaking it, they had violated their faith. Here I must be of opinion, that the English writers are extremely inconsistent in their accounts. Had Baliol, as they pretended, been recognized as king in all the southern parts of Scotland; had the royalists been impotent and passive; had he met with no resistance; and if he was at the head of an army that could have crushed all opposition, can we suppose the Bruceans of Scotland would have been mad enough to have broken a truce (as they undoubtedly did) of which they stood so greatly in need? When Edward arrived in England, he complained of this, and refused for that very reason to enter upon any treaty concerning David's ransom, before he had satisfaction for the breach of the truce. This was so far from discouraging the Scots, that they even made inroads into England, though Baliol passed the winter of 1347 in the castle of Lanric,

away so vast a sum upon so precarious a prospect, and for so short a time; or how can we imagine that it was in the power of their nobility to raise it in their then distressful situation?

(which

(which lies, according to Abercromby, on the borders of Galloway) but probably too weak to undertake any thing of consequence. In fact, though both Scotch and English historians are silent as to particulars, we find that, at the end of the year 1348, the Bruceans had recovered all their country except Berwic, Roxburgh, Hermitage, and Lanric, which was part of Baliol's hereditary state, and defended by him with an army. The Scotch historians inform us, that the English, in revenge of the damages done their country by the breach of the peace, proclaimed a tournament and other warlike exercises to be held at Berwic, to which they invited the Scots; but in their way thither, they fell into an ambuscade, and were cut in pieces by the English.

A. D. 1348.

The hand of heaven was so severe upon the Scots during the years 1349 and 1350, that they furnish little of historical matter. A most dreadful plague had passed from the continent of Europe to England, and the Scots wantonly indulged the innate hatred they bore their enemies by enjoying their calamities, and even endeavouring to render them subservient to their revenge. This ferocity, though unjustifiable, was natural to a people so provoked and oppressed, as the Scots had long been by the English; but it proved fatal at the same time. They had appointed a rendezvous in the forest of Selkirk, to avail themselves of the mortality which was

1349.

1350.

A plague in Scotland.

A. D. 1350. then desolating England. Scarcely had they passed the borders, when they were seized by the pestilence. Five thousand of them dropt down dead, and many were cut off by the enemy, who had found means to draw a considerable body to the field. This barbarous invasion furnished Edward with new matter of complaint; and his subjects, in their turn, made fresh irruptions into Scotland, where they reinforced their garrisons.

Douglas assassinated.

The few Scots who returned from the invasion communicated the pestilence to their countrymen (one third of whom, according to Fordun, perished). The patient's flesh swelled excessively, and he died in two day's illness; but the same author tells us, That the mortality chiefly affected the middling and lower ranks of people. This calamity, dreadful as it was, was not sufficient to extinguish the feuds and animosities which still prevailed among the great families of Scotland. Sir John Douglas, brother to the lord Douglas, who was then a prisoner in England, and father to James Douglas of Dalkeith, had been put to death by Sir David Barclay at Horsewood. To revenge his murder, the lord Douglas, though a prisoner, prevailed with one John de St. Michael to assassinate Barclay, which he did, at Aberdeen, on Shrove Tuesday 1350. The historian remarks, that this John de St. Michael and all his accomplices died by the sword, one after another, in a short time

time after. The continuance of the plague, during the years 1351 and 1352, occasioned a cessation of arms all over Europe, as well as between the Scots and English; for the truce, which had been concluded in France, was prolonged to Midsummer 1355. Very little historical matter therefore presents itself during that time; and this is the less surprising, as the violence of the plague rendered it dangerous for any body of men to assemble together, either without doors or within. In the year 1353 died Matilda de Bruce, sister to king David, at Aberdeen, and was buried at Dumfermling. Fordun informs us, that she married a gentleman, one Thomas Yffac, by whom she had two daughters. The eldest, Joan, was married to the lord Lorn *, and had issue both male and female; the second, Catharine, seems to have died unmarried, at Stirling. The same year, the lord Douglas of Lithdale, being delivered from his imprisonment in England, returned to Scotland, and was murdered while hunting in the forest of Etric, by his cousin and godson William, afterwards earl Douglas †, to revenge the death of Sir Alexander Ramsay and Sir David Barclay.

A. D. 1351,

1352.

1353.

Fordun.

* I do not recollect any mention made of this marriage among the Scotch genealogists.

† The historians and chronologists of Scotland are here again at variance. I am directed by the former, as the latter seem to be bewildered in their accounts. Douglas, the last Scotch peerage writer, gives us a William Douglas, the son of Archibald Tynman, and brother to James, the hero who was killed in Spain, and

A. D. 1353.

Treatment
of David
during his
confinement.

Rymer.

Barnes.

David all this time remained a prisoner in England, and several treaties had been proposed by the Scots for his ransom, but all of them proved ineffectual; because Edward insisted, as a preliminary condition, that he and his subjects should be indemnified for the ravages of the Scots, in breach of the truce. I perceive, however, that other obstacles lay to his release; for in one of the petitions given in by the commons to Edward, they require that David Bruce, William Douglas, and other chief men of Scotland, prisoners, may in no manner be released, neither by ransom nor upon their faith. Edward paid little regard to this request, for it is certain that he released Douglas; and the restraint of David, and the other Scotch noblemen, was so gentle, that they were admitted to all the public diversions in England. They were suffered to display their prowess in tilts and tournaments, in which some of them acquitted themselves so well, that Edward suffered them to return to their own country, though I believe it was always upon condition that their persons should be forthcoming to him, if called upon. This behaviour of Edward gives me a strong suspicion that, had the guardian of Scotland, and the great lords there, been very

succeeding his father in 1333, in the estate and lordship of Douglas. He died earl of Douglas, in the year 1384. The two manuscript copies of Fordun, which Mr. Hearne consulted, are clear as to the fact I have related in the history, and are followed by Buchanan.

earnest

earnest for David's liberty, they might have procured it. Every step of Edward's conduct favours this conjecture. He gave David leave to return to Scotland, where, according to the English historians, he was so fond of liberty, that he solicited his subjects to sacrifice their independency to deliver him from his captivity, which they magnanimously refused. One of the English writers goes so far as to say, that Edward sent the earl of Northampton at the head of an army, in which David himself served, to reduce the Scots to reason; but this writer, who is a modern one, has no countenance for his assertion, either from old histories or records, and therefore we must look upon it as fabulous. We have, however, sufficient reason, from what followed, to believe that David would have accepted his liberty upon terms which the guardian and his nobility did not think proper to comply with.

A.D. 1353.

Stow.

He behaved as a man of honour towards Edward; for finding his solicitations fruitless, he returned to his prison at London, from whence, by the intercession of the queen his wife, he was suffered, in July 1353, to repair to Newcastle, where a new negotiation was entered into for his ransom. We are here to premise, that whatever discontent the nobility of Scotland might entertain on account of David's partiality for the French, they agreed to supply him with money during his confinement. Three of his domestics, of whom William Toures was one, about

His honourable behaviour.

Rymer.

A.D. 1353. about four months after his imprisonment, were suffered to depart for Scotland, that they might bring from thence money for David's maintenance, and that of the other Scotch prisoners; upon which the allowance which Edward had hitherto granted them was struck off. In every year after, (to that which I now treat of) a negotiation was set on foot for his ransom. The Scotch commissioners were William bishop of St. Andrew's, Thomas bishop of Caithness, John bishop of Murray, Adam bishop of Brechin, Patric Dunbar earl of March, Brother Alexander Seton, knight, master of the hospital of St. John of Jerusalem, Sir Robert Erskine, lord of Erskine, Sir Andrew Douglas, William Meldrum, lord of Bachynnanebe, and John Wygmer, a burgher of Edinburgh. The next treaty was in 1349 and 1350, when the queen herself, the bishop of Caithness, Sir David Erskine, David Lindsay, lord of Crawford, and William Meldrum, were commissioners; as were, in 1351, the bishops of St. Andrew's, Brechin, Caithness, and Dunblain, the earls of March, Marr, Angus, and Sutherland, William lord of Douglas, David Lindsay, William Livingston, and Robert Erskine, knights.

Names of
his hostages.

The chief of the hostages who remained in England for David, while he was soliciting his ransom in Scotland, were John, son and heir of the great steward of Scotland, the same who afterwards came to be king by the name of Robert the third. John Dunbar, son and heir of the
the

the earl of March, John, son and heir of the earl of Sutherland, Thomas, nephew and heir of the earl of Wigton, James, son and heir, of Sir David Lindsay, Hugh Ross, brother and heir of the earl of Ross, Thomas Murray, brother and heir of John Murray *.

Upon the meeting of the plenipotentiaries to treat of David's ransom, many debates happened, but at last the following preliminaries were agreed upon : " That Monsieur David de Bruce should be instantly set at liberty ; and that he should pay for his ransom the sum of ninety thousand merks sterling, by equal proportions, within the space of nine years. That ten thousand merks, being the first proportion, should be paid at the feast of Candlemas next to come ; the second at Candlemas 1357, and so on, till complete payment should be made of the whole. That, during the said space of nine years, there should be a truce between the two kingdoms. That twenty Scotch gentlemen, the heirs of the greatest families in that kingdom, should remain in England as hostages and sureties for the said sum ; and that, if any part thereof was not paid at the precise term appointed, then the said David should return to England, and continue there a prisoner till it was paid ; or, if he was detained by some just impediment, that the lord high-steward of Scot-

Rymer.

* I have been the more careful to insert those names, because they are all taken from records.

land,

A.D. 1353. land, the lord of Douglas, Thomas Murray, and John of the Isles, should come and supply his place."

The Scots
reject a
dishonour-
able treaty
agreed to by
their king.

These articles, whatever the Scotch writers may pretend, afford some ground for the allegation of the English writers, that David was too fond of his liberty. They left his title to the crown still questionable, and disallowed by the English, while Baliol's claim remained unextinguished; the ransom-money was a larger sum than Scotland, in her then exhausted state, could furnish; and, what was still worse, no regard was had to the interests of the French, who had served David so faithfully. In fact, the nobility of Scotland thought the terms so disadvantageous and dishonourable, that they rejected them. This was a great disappointment to Edward, who with his son, the prince of Wales, had not only ratified the treaty, but had issued writs, commanding all the nobility and gentry in the neighbourhood of Newcastle to attend him with their best equipages, that they might be present at the delivery of David into the hands of his own subjects, and at receiving the hostages in his room. The refusal of the Scots to ratify this treaty broke off all farther conferences, and occasional incursions between the two nations were renewed; though we know of few or none of the particulars till the expiration of the truce in 1355.

John,

John, by this time, had succeeded his father, Philip de Valois, in the throne of France. Nothing could have been more fortunate for him, considering the terms upon which he stood with Edward, than the rejection of the treaty of ransom by the Scots, whom he resolved to support. He accordingly sent over one of his best knights, Eugene de Garenciere, with sixty chosen officers, knights and esquires, and forty thousand crowns of the sun, to enable the Scots to continue the war with England, which was the express condition of this seasonable supply. According to Fordun (whose words are extremely remarkable on this occasion) David himself and his nobility agreed to this condition; "and the Scots (says the same historian) who frequently lose a pound for a penny, being seduced by the temptation of the gold, promised to make war upon England." The money, according to all historians, was divided between the guardian and the great men; and little or none of it was bestowed upon the middling or inferior ranks.

A. D. 1355.
French
auxiliaries
in Scotland.

So considerable a supply enabled the guardian and his friends once more to take the field upon the expiration of the truce, but not before the English had destroyed the Lothians and Douglassdale. The earl of March and the lord William Douglas (whom we may suppose had been pardoned for the murder of his kinsman) and Sir William Ramsay of Dalhousie,

Successes of
the Scots.

A.D. 1355. one of the best and bravest of the Scotch generals, assembled a strong party to revenge themselves upon the English. When they came to Nisbit-Moor, they ambushed themselves and their French auxiliaries (according to Fordun) under a mountain ; but Ramsay being detached with a body of light-horse, made an inroad as far as Norham, which he burnt, and plundered the adjacent country. The English marchers hearing of this inroad, attacked Ramsay ; and, by making a slow retreat, he encouraged them to follow him till he drew them into the ambush at Nisbit, where they found themselves surrounded by a superior body of the Scots, by whom they were totally defeated. Sir Thomas Gray and his son, with Sir John Dacres, and other gentlemen of distinction, were taken prisoners, on the part of the English, after a brave defence ; but the Scots lost two of their best officers, Sir John Haliburton, and Sir James Turnbull.

who form
the town of
Berwic,

The Scots being joined by Stuart, the Scotch earl of Angus, they resolved, by the favour of night, to make an attempt upon the town of Berwic. Their design was to surprize it by an escalade ; but they met with so vigorous a resistance, that Sir Thomas Vaux, Sir Andrew Scot of Balwirie, Sir John Gordon, Sir William Sinclair, Sir Thomas Preston, and Sir Alexander Mowbray were killed in the attack, which, however, proved successful. The place was

was taken by storm, with the loss of Sir Alexander Ogle, the governor, Sir Edward Gray, and Sir Thomas Piercy, brother to the lord of that name. It is to the honour of the Scots, that none of the garrison were put to the sword but those who resisted. This acquisition was of no great importance to the Scots, as the castle still held out; and Edward, hearing in France of the loss of the town, hurried back to London. Fordun gives us a more particular account of this exploit. He tells us, that it had been planned by Stuart earl of Angus, in concert with the earl of March; that the former having got together some shipping, landed his men and their ladders near the town; and that mounting the walls, they bore down all opposition, while the townsmen abandoned to the assailants all their rich effects and moveables; and that Ogle's son was killed in the attack.

The Scots having besieged the castle of Berwick, Edward staid but three days at London, where his parliament was sitting, and marched northward to raise the siege. It was the twenty-third of December, 1355, before he reached Durham, where he appointed all his military tenants to attend him on the first of January, 1356, in order (as he expressed it in his writs) to depress the malice of the Scots, who were ready to invade England with a great army. He was attended by the famous Sir Walter Manny, one of the best of his generals, a large body of

1356.
Rymer.

A. D. 1356. miners brought from the forest of Dean, and a well-provided fleet. He arrived before Berwic on the fourteenth of January, and entered the castle without opposition. Being master of the sea, the Scots who held the town offered to capitulate. Here historians differ, but they agree as to the event. The relation of Fordun, as it is the most authentic, is the most probable. He says, that the Scotch garrison, being unprovided with the means of subsistence, having no prospect of relief (as their main body had returned home), and knowing that their leading men were at variance among themselves, agreed to a capitulation, by which they were suffered to march off with the safety of their lives, limbs, and all their effects. Fordun's relation is not materially contradicted by the English authors; and the Scotch tell us, that their countrymen set fire to the town, and abandoned it.

Baliol resigns his pretensions to the crown of Scotland.

The re-possession of Berwic by Edward produced a signal effect. Baliol, unfeeling as he was of disgrace and dependence, now perceived that all the hopes which Edward had suffered him to entertain of the Scotch crown, were vain and impracticable; and, what perhaps never happened in a similar case, that the greater his and his father's successes had been, they were the farther removed from the object of their ambition, through the fixed aversion which the people of Scotland had for slavery.

He

He was now old, broken in spirit as in fortune. A. D. 1356.
He had no lawful issue, and had reaped no benefit from his being a brave and successful warrior. Edward, on the contrary, had a numerous family to provide for, and had the crown of Scotland in his eye for his son, prince Lionel, earl of Ulster, his sister having no children by David. Add to those considerations, that a powerful faction in Scotland still recognized Baliol's claim to the crown. Those circumstances, when collected, rationally account for the step which Baliol now took, of retiring, upon a comfortable subsistence, to a private life, by resigning to Edward all his right and title to the crown of Scotland, and all his interest there. The bargain was soon struck; and it was agreed, that he should receive out of the customs of the town of Kingston upon Hull, and those of Boston, two thousand and fifty pounds a year. Fordun informs us of a circumstance not at all improbable, that having met with Edward at the castle of Roxburgh, he there put into his hands, by way of investiture, his crown, and some earth and stones from the Scottish soil; "and (says honest Fordun) he in fact gave him nothing at all, for he had nothing that he could legally give." I have adhered to Fordun's account of this transaction, because it is confirmed by English records. Edward was then at the head of a noble army in England, and in high expectation of
being

A.D. 1356. being able to carry into execution his bargain with Baliol. The Scots secretly dreaded his power, and endeavoured to divert him from invading their country. The guardian called a parliament at Perth, and the bishops of St. Andrew's and Brechin, Sir William Livingston, and Sir Robert Erskine were appointed plenipotentiaries and commissioners to treat about the redemption of the king, and a final peace with England. The earl of Douglas and some of his followers, about the same time, were admitted into Edward's presence at Roxburgh, and seemed disposed to confer with him about a submission; but with no other view (if we are to believe English authors) than to give their countrymen time to carry themselves and their effects to the north of the Forth, and to desolate the country through which they knew Edward was preparing to march. Edward, on the other hand, was the more willing to negotiate, as he was waiting for his ships; but Douglas and the Scotch noblemen soon made him sensible of their intention, by flatly declaring, that they would rather die than submit to his demands.

Edward
again
invades
Scotland.

Edward was preparing to make the Scots feel the most severe effects of his resentment, when he understood that his fleet, on which he had so great a dependence, was wrecked on the coast of Scotland. According to Fordun, he had, by this time, marched together with
Baliol

Baliol as far as Haddington, being supplied all the way from his fleet; and they remained there for ten days. During his march, his army was harrassed on every quarter by parties of the Scots, and his foragers cut off. His fleet no sooner arrived in the Frith of Forth, than the mariners landing destroyed and pillaged all that was within their reach, without sparing the sacred edifices, and even carried off with them statues of the blessed Virgin, adorned with costly bracelets, and other ornaments of gold and jewels. They loaded the monks and other ecclesiastics with chains, and forced them on board their ships; and, in short, all Fife and Lothian was a continued scene of desolation, when the destruction of their fleet happened, which, as the reader may easily apprehend, Fordun ascribes to the sacrilege of their soldiers and sailors. Whatever may be in this, it is certain, that Edward was obliged to return to England with Baliol, without being able to complete the schemes either of his revenge or ambition.

The brave prince of Wales was, at this time, rendering his name immortal, by the noble exploits he was performing in France, where he gained the battle of Poitiers, and took the French king, John, and one of his sons prisoners. We are told by Fordun, that William, who was afterwards earl of Douglas, carried over three thousand Scots to the assistance of John,

Loss of the
Scots by the
battle of
Poitiers.

A.D. 1356. John, who knighted him and several of his countrymen. Sir Andrew Stuart, Sir Robert Gordon, Sir Andrew Haliburton, and Sir Andrew Vaux, are mentioned as having fallen in the field of battle. The lord Douglas was carried off wounded; the lord Archibald Douglas (who I suppose was his son) was made a prisoner, together with Sir William Ramsay; but the latter, with an uncommon presence of mind, treating lord Archibald in a coarse manner, as if he had been his menial servant, procured him his liberty for a trifle. This flow of success upon Edward seemed to render him more tractable; and he began to listen to proposals of a truce which were sent him by pope Innocent, and which actually was concluded for two years, on the twenty-third of March, 1357, between France and England, in which the Scots were comprehended. It is foreign to my present purpose to enter into the reasons which determined Edward to this step, which was followed soon after by one still more extraordinary, which was his agreeing, on the eighth of May, to a special truce with Scotland by a separate treaty, in which David, for the first time, is stiled King of Scotland. Next followed a negotiation for setting that prince at liberty; and he was, for that purpose, conducted to Berwic. William bishop of St. Andrew's, Thomas bishop of Caithness, Patrick bishop of Brechin, and chancellor of Scotland, Patrick

Treaty for
David's
safety.

Patric earl of March, Sir Robert Erskine, and Sir William Livingston, were plenipotentiaries on the part of the Scots as before, and commissioned by Robert Stuart, guardian of Scotland, in a full council of the kingdom, (for so it seems the parliament was then called) holden at Edinburgh on the twenty-sixth of September. Besides those commissioners, others were named by the separate orders of parliament; some for the clergy, some for the nobility, and others for the burroughs, to watch over the concerns of their respective constituents. The commissioners for England were John archbishop of York, Thomas bishop of Durham, Gilbert bishop of Carlisle, and the lords Percy, Nevil, Scroop, and Musgrave, who, on the third of October, came to this final agreement:

“First, That king David should be released, set free and ransomed for a hundred thousand merks sterling money, to be paid yearly by ten thousand merks; the first payment to begin at Midsummer next following at Berwic, if then in the hands of the English.

“Secondly, That there should be a firm truce kept and observed in England, Scotland, and the Isle of Man, during the space of ten years, or at least till the whole sum was paid; and that Edward de Baliol, and John of the Isles, as allies of the king of England, should be included in this truce.

A. D. 1358.

“Thirdly, That for performance of the whole treaty, king David should deliver twenty hostages to the king of England; and these were the same who, in the preceding treaty of the year 1354, had been singled out for the same purpose, viz. the heirs of the high-steward, the earls of Sutherland, March, and Wigton, and of the lords Cunningham, Graham, Livingston, Erskine, Fullerton, Stuart of Darnley, Hay of Lochinewart, Gray, Weems, Kennedy, Berkley, and others.

“Fourthly, That if the money was not paid at the terms agreed on, king David himself should return into England, and render himself prisoner, there to remain till all the arrears of his ransom were discharged; but in case he were hindered from going thither, that then he should send in his stead the lord high-steward of Scotland, the lord of Douglas, and Thomas Murray; or failing of them, three others of the highest quality. And so secure were the English, with reference to this article, that they not only obliged king David to swear to the performance of it, but also to declare himself infamous, and degraded from all honours and dignities; and, which was more, to order and command his own subjects to expel him, as unworthy to be their king, in case he should ever offer to infringe it. And, as if this was not enough,

“Fifthly,

"Fifthly, The king, with his prelates, lords, and merchants, make themselves liable to the censures of the church, and are willing to be deprived of the communion of the faithful, in case they should fail to pay the money at the terms above-mentioned; nay, each of them, in particular, obliges himself, as principal debtor, for the whole sum." A. D. 1358.

During the differences between the regency of Scotland and Edward, the latter affected to treat John lord of the Isles as a prince, or nobleman, independent of David; and particular care was taken in the treaty, that no part of David's ransom should be raised upon his estates. I have already mentioned a nobleman under the same denomination, who probably was descended from Donald Bane; but the total disregard of literature in the islands where his interest or estate lay, leaves us entirely at a loss for his genealogy. Some of the chief families of the Macdonalds (if I mistake not) claim to be his descendents. The comprehension of Edward Baliol, in the same treaty, was equitable; for, as he was now no longer a pretender to the crown, it could be considered in no other light than as an indemnification granted him for all he had acted at Edward's instigation against the kingdom of Scotland. David being restored to full liberty, ratified his treaty of ransom, as did his parliament, in a full council, assembled at Scone on the sixth of the ensuing November; and on

which is
ratified.

Rymer, vol.
vi. p. 68,
69.

A. D. 1358. the eighth of the same month king Edward both ratified the treaty, and ordered Sir Archibald Douglas, John Gordon, William de Toures, and some other Scotch gentlemen (because made prisoners during the truce) to be set at liberty.

Mercenary
views of Ed-
ward.

Perhaps no transaction in the history of Scotland reflects more honour than this does upon the nation. Edward was then in the height of his glory. He had the French king in chains; he had rejected the empire of Germany, as not worthy his acceptance; and, what gave him his most distinguished glory, he was father to Edward prince of Wales. He was far from being a monarch extravagantly generous, for he was strictly attentive to his interest, and necessity alone had obliged him to restore David to his kingdom, and Scotland to her independency, which he and his family had for above seventy years endeavoured to destroy, at an expence greater, perhaps, than the fee-simple of Scotland, after her kings were stript of their English dominions, would have amounted to. This mighty event could be only owing to the determined spirit of a people so averse to slavery, that Edward found it could not be subdued by their most disastrous fortunes; and his owning David to be king of Scotland, entirely set aside all the flattering prospects he had entertained from his late bargain with Baliol. The very completion of the treaty is a proof that Edward was actuated by no sentiment of generosity; that every

every stipulation tended to secure to him the payment of the ransom money, and to keep the Scots inactive for ten years, till it was discharged.

A.D. 1352.

David, upon his return to Scotland, was received by his subjects with transports of joy. English authors pretend that he was under obligations never to bear arms against the king of England, or to suffer his subjects to do so; and likewise to do his utmost endeavours to persuade his parliament, that the crown of Scotland might be held by homage to that of England. The repetition of those falsehoods confute them. It is plain that David's liberty was owing to the necessity Edward was under to grant it. Some English authors have mentioned previous transactions to have passed between him and David; but of these I can take no cognizance, as none appear upon record. Knighton speaks of three Scotch pirate ships, with no less than three hundred chosen men at arms, who did great damage by cruising upon the coasts of England, but were brought to justice, being forced by stress of weather into Yarmouth-haven. More modern authors tell us, that while David was confined in Nottingham-castle, he curiously engraved, with his own hands, on the walls, which were of rock, the whole story of our Saviour's passion; but little credit is to be given to traditions of this kind, as David seems never to have been a close prisoner in England.

Falshood of English authors.

Speed.

The

A. D. 1358.
David dis-
pleased with
the guar-
dian,

The first quota of David's ransom was punctually paid on the twenty-fourth of June 1358, and we are told that, in consequence of a private promise made to king Edward, he demolished the castles of Dalwinton, Dumfries, Morton, and Durisdere. About this time died, at an advanced age, the lady Christian Bruce, sister to Robert the first, and widow of Sir Andrew Murray, the governor of Scotland, and was buried at Dumfermling. Without launching too far into conjectures, I must be of opinion that the Scots, in consenting to David's ransom, had a greater regard for their own honour and independency than for his person. Had he shewn more magnanimity and firmness, than he did during his captivity, I am apt to think it would not have been so long; and it certain, that he returned to Scotland with great prepossessions against the guardian. In the first parliament he held, he accused him of having betrayed him at the battle of Durham, where he was made prisoner. We know nothing of the defence made by the guardian against this charge, which I believe to have been false and frivolous; but we are told that David acted upon the occasion in an arbitrary and unconstitutional manner, for he altered the order of succession to his crown, by transferring it from the great-steward to his other nephew, son to the earl of Sutherland, by his youngest sister.

whom he
disinherits,

David,

David, upon examining his finances, or perhaps, more properly speaking, the sentiments of his great men, easily perceived that it would be next to impossible for him to discharge his ransom, according to the stipulated agreement with Edward. His queen Jane had always lived in tolerable good correspondence with her brother; and soon after David's return to Scotland, he sent her to be a kind of agent for him at the court of England, to procure some mitigation in the terms of payment. Her attendance was splendid, but her success indifferent; and David followed her in person towards the end of the year 1358. In the Christmas following, Edward indulged himself in dining between his two royal captives of France and Scotland; for David was considered as a prisoner till his ransom should be discharged, and he is termed such in his safe-conduct sent him by Edward on that occasion. All the favour that the joint-solicitations of David and his queen could obtain, was a respite of the second payment of the ransom money, from Midsummer 1359 to the eleventh of November following. Some other trifling arrangements were made, particularly a treaty of commerce between the two nations; and permission was obtained for the youth of Scotland to study in the English universities. Knighton has said that David, to get rid of his debt, offered to attend and assist Edward in his wars with France; but this is denied

A. D. 1358.
His connections with
England.

1359.

A.D. 1359. nied by the Scotch writers, because, had it been true, history would not have been the only evidence to confirm it, as Edward undoubtedly would have made use of such an offer to break the good understanding between France and Scotland.

He sends an
embassy to
France.

This was so far from being the case, that David no sooner returned to his own kingdom, than he gave a commission to Sir Robert Erskine, Sir John Grant, and Norman Leslie, his armour-bearer, to repair, as his ambassadors, to France, and there to renew the old league between the two nations, or rather to solicit the dauphin, who was then the regent of France, for the money that was due for his ransom, next payment. This must be acknowledged to have been a very extraordinary step, when we consider the distressed situation of France at this time, and that her king was still a prisoner in England. On the other hand, John and his nobles, with the regent at their head, were seemingly at variance. He had made concessions to Edward that they refused to ratify, and nothing could have been of more service at that time, to their affairs, than an invasion of England by the Scots. The regent appointed Simon de Bucy chevalier, and John Chalemart conseiller du roy, to treat with the Scotch plenipotentiaries. All parties being met, the latter produced the treaty of ransom, expatiated upon their king's good faith towards France, that to
it

it all his misfortunes, and those of his people, were owing; and that to preserve it, he had rejected the most advantageous offers from the king of England. They concluded by frankly acknowledging that David was in no condition to discharge his ransom; that he looked upon the obligations he was under, not to break with England while it was unpaid, to be indispensable; but that if the French would assist him to pay it, he would immediately make a war of diversion upon Edward.

The reader can easily figure to himself, that the answer returned by the French contained reciprocal professions and complaints of their calamities; that the king and chief nobility were prisoners; but they offered, by the following Easter, if the Scots would renew the war against England, to advance them fifty thousand marks sterling, to enable them, with the addition of twenty thousand marks to be advanced by themselves, to defray the total sum of David's ransom. It is more than probable that the French, by this promise, meant only to amuse the Scots, till they could prevail upon them to break with Edward. They remitted an article in a former treaty, by which the Scots were obliged to furnish the French with five hundred horse, and as many archers; and the treaty was signed on the twenty-ninth of June 1359, I am apt to think, with little good faith on either side; but the Scots undoubtedly were

Part of
David's ran-
som paid.

A.D. 1360. the gainers. Edward, about that time, had invaded France, with an intention to subdue it totally; but exasperated as he was with that regency, he thought proper to soothe the Scots, so as to prevail with them to continue quiet during his absence. The report of the late treaty with France seems to have been but indifferently received, as no provision was made for discharging the second payment till above six months after it was due. It was, however, punctually paid, part at Bruges, and part at Calais; though the modern Scotch historians have been so negligent, that they are at a loss to know how it was raised. Had they looked into Fordun, they would have seen, that Sir Robert Erskine, Norman Lesly, and some other active persons, went from Paris to the pope's court, and obtained a grant of the tenth of all the ecclesiastical revenues in Scotland for three years, but with an express condition, that the church should be no farther taxed for the king's ransom; "upon which (says our old historian) they returned very joyful to their own country." We understand, however, that David paid no farther regard to this bull, than to raise the money it granted; for, notwithstanding all the remonstrances of his clergy, he forced them afterwards to pay in proportion with the nobility, and the other great landholders of his kingdom; "but to this (adds Fordun) the clergy made a stout resistance."

Viris
Industribus.

1361.

Fordun.

In

In the mean time, several remarkable events happened in Scotland. David's excellent queen, Jane, had died at Hertford in England, and was buried at London, in the Grey Friars church there; and so many inundations had happened in Lothian, as had laid the greater part of it under water. The death of queen Jane, whose conjugal virtues cannot be sufficiently admired, so far from creating any coldness between David and Edward, bade fair to unite them more closely than ever. Edward was, by this time, become sensible how impracticable it was to subdue Scotland by arms; but he thought a fair opportunity then presented to add it to his kingdom by treaty. He knew that David was excessively uneasy about the remainder of his arrears for ransom, and that he had undertaken more than he could perform.

A. D. 1363.
Events in
Scotland.

Great part of the year 1363 had passed without any remarkable event that is marked in the Scotch histories. All we know is, that David, in that time, paid several visits to the English court; that many treaties were set on foot between him and Edward; and at last it was proposed to treat of a final peace between the two nations; nor do we find that the French ever paid any part of the money which they had promised by the convention of Paris. Without leading the reader through labyrinths of appointments and records, it is sufficient to inform him, that David appointed

1363.

A federal
union pro-
posed.

A.D. 1363. William bishop of St. Andrew's, Patrick bishop of Brechin, Sir Robert Erskine, and Norman Lesly, to be his commissioners for the definitive treaty; and on the twenty-ninth of November, the very remarkable agreement which the reader will find in the notes *, was

* "I. That towards a final peace, and a happy union of the two kingdoms, the king of Scotland should propose to the community of his subjects, that in case he himself should die without heirs of his own body, (which God forbid, says the record) they would agree and consent that the king of England, and his heirs, should succeed him in the throne; which, if they could be prevailed upon to do, in that case, the king of England, as an equivalent for so great a concession, was to undertake,

"II. That he should forgive, and for ever discharge the whole sum still due for the ransom of king David.

"III. That he should instantly surrender and give up to king David, and the crown of Scotland, all the towns and territories formerly possessed by king Robert Bruce, particularly the town, castle, and county of Berwick, the castle of, and neighbouring country to, Roxburgh; the castles of Jedburgh, Lochmaben, &c.

"IV. That he should give full satisfaction, and equivalent estates in England to the earl of Athol, and the lords de Beaumont, Percy, Ferrers, Talbot, &c. for their claims and former possessions in Scotland.

"V. That he should repute king David to all the rights, dignities, and territories (that is, to the counties of Northumberland, Cumberland, Westmoreland, Huntingdon, palatinate of Chester, &c.) his ancestors and predecessors had ever enjoyed in England; provided, nevertheless, that he and his heirs, kings of Scotland, should do homage for them alienarily, and not at all for the kingdom of Scotland itself, to the king of England and his heirs.

"VI. That in all events, the name, title, and dignity of the kingdom of Scotland, should be honourably and inviolably preserved, without union (they meant an incorporating one, no doubt) or connexion to that of England; and that, for this effect, the sovereign of both should be stiled "The Kings," in the plural number, or otherwise, "The King of England and Scotland."

"VII. That the said sovereign, after being crowned king of England, should come in person, and be also crowned king of Scotland

drawn up, in the presence of the two kings, A. D. 1361.
for a federal union, by which David was to

Scotland at Scoon, in the marble chair, which should forthwith be transmitted from London to Scoon.

"VIII. That he should keep his Scots parliament within the bounds of Scotland, and no where else.

"IX. That, at his coronation, he should swear to maintain the church of Scotland free and independent of all archbishops and others whoever, the See of Rome only excepted; as also the laws and statutes made by the good kings of Scotland; and should call, nor suffer no Scotsman to be called out of the kingdom of Scotland, to any judicatory in being.

"X. That he should suffer no ecclesiastical dignities, nor revenues, within Scotland to be conferred on any but Scotsmen.

"XI. That all temporal dignities and places of profit, such as these of chancellor, chamberlain, judge, sheriff, provost, baillie, guardians of towns and castles within Scotland, should be entrusted with none but Scotsmen.

"XII. That all prelates, earls, barons, freeholders, should be maintained in the rights and privileges they then enjoyed.

"XIII. That the earl of Douglas should be reposed to the lands enjoyed by his father and uncle in England.

"XIV. That none of the grants made by the late king Robert, or the present king David, or any of their predecessors, should ever be recalled.

"XV. That the merchants of Scotland should have full liberty of commerce and trade with the English, and that they should not be obliged to go any where, not even to Calais (the then staple port for English wool, which was their grand, and perhaps only commodity) but might purchase wool in England itself, upon paying but half a merk custom for the sack of it.

"XVI. That the sovereign, wherever he should chance to be, should always have by him a council of Scots peers and lords, for the direction of Scots affairs.

"XVII. That he should impose no taxes upon Scotland, but such as had been paid to, and exacted by, the best of Scots kings.

"XVIII. That he should not oblige the Scots to serve in the wars otherwise than was usual before, nor to keep the fields at their own charges above forty days at a time; and that, if the exigency of affairs required any of them to continue longer in the service, they should be paid out of the Exchequer, conform to their rank and quality.

"XIX.

A.D. 1363. be restored to all the lands which the greatest of his predecessors had held in England; the arrears of his ransom was to be discharged; the independency of Scotland upon the kingdom of England was to be inviolably preserved, both in church and state, with many other special honours and advantages; but, in case of David's demise without issue, the crown of Scotland was to go to the king of England and his heirs.

Its terms.

This very extraordinary agreement undoubtedly proves the great consequence of Scotland in the eyes of Edward; but it had a two-fold aspect. Considering it as a personal compact between the two kings, it was equally advantageous and glorious for David. His nephew, the earl of Sutherland's son, had been, for some time, dead, and he continued to be still on very bad terms with the high-steward. Edward was his brother-in-law and near relation; and nothing was omitted in the agreement that could tend to the honour and independency of Scotland. On the other hand, when we view this transaction in a national light, it was

"XIX. That as often as the sovereign should be crowned at Scoon, the articles of this agreement should be read to the king and people, and the former should take an oath to keep them inviolable.

"XX. In fine, That the king of England was willing to grant, by the advice of his council, whatever else the three communities of the kingdom of Scotland should ask for their further security and satisfaction.

mean,

mean, despotical, and unconstitutional, as David had no right to dispose of his crown, or to give his people a master, after his death; and the Scots, to their immortal honour, considered the agreement in that light. Their king, (of whose magnanimity, notwithstanding the encomiums which have been lavished upon him by Abercromby, and other Scotch historians, we have but a very slender opinion) during the dependence of this negotiation, which seems to have been of some years continuance, had married a young lady, one Margaret Logy, whom Fordun represents as being of very high quality, though other historians represent her as a private gentlewoman. It is amazing, as David might have been considered as then in the vigour of his age, that this negotiation could have continued so long. Perhaps his marriage was not known till it was near its conclusion; for I perceive, that after the indenture (as it is called) was drawn up, the English commissioners started the following question: "What equivalent Edward was to have for the cessions he was to make, if David should have children of his own body?" No answer, that I know of, was given to this question, which was of great importance; and, upon the whole, I am inclined to believe, that Edward was in no pain on account of the probability of David's having children.

A. D. 1363.

David's
marriage.

All

A. D. 1363.
A civil war
in Scotland.

All the Scotch historians, excepting Fordun, have treated this convention with unpardonable carelessness. That honest writer, who lived near, if not at, the time, tells us, that a conspiracy, or, in other words, a civil war, broke out between the king and his subjects ; and that they entered into an association, strengthened with their seals, to resist him. The king, on the other hand, being furnished with money (I suppose from England) raised troops ; and the nation was, for some time, a scene of confusion and tumult. We understand, however, from Fordun, that neither party was fond of bringing matters to desperate extremities. The nobility made the deepest professions of their loyalty and attachment to the king's person, and he accepted of their submissions. All we can learn from Fordun's narrative of this civil combustion is, that the nation and the king were then upon very bad terms, which we can only attribute to David's unjustifiable attempt to alter the succession, in which he was defeated. His remaining without children undoubtedly contributed to the quiet of his dominions, because it left to Edward some hopes of still succeeding in his designs upon Scotland. The compact I have mentioned being now entirely at an end, and David having failed in the annual payments of his ransom, he named William bishop of St. Andrew's, Sir Robert Erskine,

Erkine, Mr. Walter Wardlaw, and Mr. Gilbert Armstrong, to be his plenipotentiaries for a new treaty, towards the end of the year 1364; and on the twentieth of May, 1365, the following articles were agreed on.

A. D. 1364.

1365.

“First, That, in regard the king of Scotland and his subjects had failed in their annual payments, they should now, to avoid the penalties thereby incurred, become debtors to the king of England for the sum of one hundred thousand pounds sterling, to be paid by equal proportions within the space of twenty-five years, that is to say, six thousand marks became payable at the feast of Candlemas next to come 1366, six thousand marks more at Candlemas 1367, and so on.

Rymer.
A new
treaty,

“Secondly, That, during the said space of twenty-five years, there should be a truce between the two kingdoms, unless either or both of the kings should rather chuse to renew the war: but that, however,

“Thirdly, The truce concluded at Berwic on the third of October, 1357, should be prolonged till Candlemas next, and from thence till Candlemas 1370, that is, four years longer; during which time means should be used towards bringing about a final peace; but if that could not be effected,

“Fourthly, The truce might nevertheless be continued, conformable to the terms of the first and second articles: but if the king of

A.D. 1365. England shall rather chuse to renew the war, in that case the present obligation given to him for the sum of one hundred thousand pounds shall become null and void, and what money shall be paid by the king of Scotland during the foresaid four years truce, shall be deduced out of the sum of eighty thousand marks, yet due as the remainder of his ransom. Besides, the said king of England shall give warning to the said king of Scotland of his design of renewing the war half a year before he begins it.

“Fifthly, That if the king of Scotland shall, after the four years truce is expired, think fit to renew the war, he shall in the same manner pre-advertise the king of England, and be nevertheless obliged, as before, to pay the whole sum of one hundred thousand pounds.”

ratified by
David.

The reader, from this new convention, may easily perceive how fixed the aversion of the Scots were to a foreign sway, or even to a federal union with England. The treaty was ratified by David at Edinburgh on the twelfth, and by Edward at Windsor on the twentieth, of June, 1365; and we meet with but few incidents of David's reign after that event. He was punctual in the stated payments of his ransom-money for four years, during which, the truce was religiously observed; and we may suppose that David spent the intermediate time in repairing the ravages of the long war which his country had suffered. His nephew, Robert Stuart,

Stuart, had renewed his oath of fidelity at Inchmurdach; and consequently his right of succession was, at the same time, recognized by David and his parliament. Perhaps, if the truth was known, David had, at this time, very little sway in the affairs of government, and was supported by Edward, chiefly in hopes that he would still be able to form a party to set aside the high-steward's succession in favour of that prince. This is the more probable, as we know from records that, during the years 1365, 1366, and 1367, he and his queen, who was handsome and young, attended by a large train of courtiers and clergy, visited England, and made pilgrimages to the most noted shrines, under the ridiculous pretence of obtaining issue. Their favourite journeys were to the shrines of the Virgin of Walsingham, and St. Thomas of Canterbury. It is foreign to my purpose to enter into the differences which broke out, about this time, between the French court and the prince of Wales, and renewed the war between France and England, about the year 1369. The prince undoubtedly was betrayed into an improper conduct by the stretches he had made in the treaty of Bretigny; and the French had insidiously availed themselves of every opportunity to declare it void. Edward was not insensible how warmly the Scotch nation, in general, now inclined to an union with France rather than England, on

A.D. 1365.

1366.
1367.
Rymer.

1369.

A. D. 1369. account of the succession; and indeed we can only attribute it to the inability of Charles, who had succeeded John in that crown, that he did not supply the Scots with troops and money, to enable them immediately to take the field against Edward. The latter, to provide against all events, strongly reinforced his garrisons of Newcastle, Carlisle, Berwic, Roxburgh, and all the places he held upon the frontiers, or in the neighbourhood of Scotland.

*Darkness of
the Scotch
history.

The history of Scotland, towards the end of David's reign, is incredibly dark and perplexed. We hazard little in saying, that he was now entirely under the influence of Edward. I shall not, however, attribute to that influence an event which undoubtedly took place at this time, which was the repudiation of David's queen, on pretence (say some authors) of her mean descent. It is certain, that she was far from brooking her disgrace with patience; for she immediately repaired to the pope's court, which was then at Avignon, where she so effectually set forth her wrongs, that she was received and entertained as a royal personage, and as David's lawful wife. After a short stay at Avignon, she returned to Scotland with a confirmation (as the Scotch historians say) of her marriage, David being enjoined to take her back to his bed under severe penalties. We are in the dark as to the effect those menaces had, but

but we are certain that the Scotch authors, who say that she died on her return to Scotland, are mistaken; for it appears by records, that she was at Avignon in June 1372, and in March 1374, Edward sent her a safe-conduct to remain in England for two years. Upon the whole, there is reason to believe that she was ill treated; but we know nothing of the time of her death.

A. D. 1369.
Mistakes of
writers.

David, about the year 1369, began to relax in the payments of his ransom, and, to keep well with Edward, he refused to declare for the French. On the twentieth of July, he even obliged himself to observe the truce agreed to with his dear brother king Edward, during the space of fourteen years, and to pay the sum of fifty-six thousand marks sterling, yet due for his ransom, whereof four thousand were payable every year at Candlemas. "By this means (says my author) the kingdom was eased of the advance of two thousand marks in the year, and yet was unable to pay the four thousand marks that had been stipulated." This failure in the punctual payment of so small a sum, renders it probable, that a very bad understanding then subsisted between him and his nobles; for in the year 1370, he undertook another journey to England, to obtain some farther abatement of his annual payments. We accordingly find that Edward indulged him in protracting the day of the first payment from the second of February to the twenty-fourth of June.

Aber-
cromby,

1370.

It

A. D. 1370.
Death of
David.

1370-71.

It has been said, but with very little appearance of truth, that this backwardness was owing to his amassing large sums in order to pay a visit, or make an expedition, to the Holy Land. This journey is supposed to have been the last public act of David's life. Upon his return to Edinburgh he died on the twenty-second of February, 1370-71 *, in the forty-first year of his reign, and the forty-eighth of his age.

* As an irrefragable proof of the carelessness of Buchanan, and other Scotch historians, in a fact so recent as the death of David the second, they tell us, that he died at his castle of Edinburgh on the seventh day of May, in the thirty-ninth year of his reign, and the forty-seventh of his age; "but (says Abercromby very truly) they are certainly mistaken, both as to the year of his reign and the day of his death; for I find two writs among Mr. Rymer's Collections, under his own seal, the one dated at Edinburgh the twentieth of July, 1369; the other at London the fourth of June, 1370; both which were drawn up in the quarantisme, that is, the fortieth year of his reign. Nay, from our own records, examined and cited by the learned editors of Hawthornden's Works, Anno 1711, it appears, that at least twenty charters have been granted by him after the day on which they say he died, viz. one dated the ninth, another the fifteenth, a third and a fourth on the eighteenth of September: one the eighteenth, three the twenty-second, three the twenty-third, one the twenty fourth, and one the twenty-seventh of October: two the first, and one the ninth of November: one on the thirty-first of December: two on the twenty-sixth, and one on the twenty-ninth of January, 1370 (that is, according to our present computation, 1371): and all these bear expressly that they were granted in the forty-first year of his reign."

The accurate Ruddiman, in his preface to Mr. Anderson's *Selectus Diplomatum & Numismatum Scotiæ Thesaurus*, makes it very plain, that, by an unaccountable oversight, occasioned perhaps by David's long absence in France, the first year of his reign is always mentioned as the second, and the second as the third, to the last year of his life. The same ingenious antiquary has been at great pains in confuting the pretended submissions of his independency, which David is said to have made to Edward; but

From the view I have been able to exhibit of David's reign, I must be of opinion, that he was in the main a poor-spirited prince, and that he had little besides personal valour to recommend him. It is true, that great part of his life was spent in exile or captivity; but his compliances, first with the French, and then with the English monarch, and above all, his attempts to alter the succession, are not to be vindicated. So far as we can presume at this distance of time, they created an irreconcilable breach between him and his great subjects; nor could he ever regain their confidence, though we are told that he was reconciled to his nephew the high-steward, his lawful heir, and declared him his successor. During his residence in England, he distinguished himself in the martial amusements which were then so much in vogue at that gallant, but luxurious, court; and he acquired a taste for magnificent equipages; but Edward appears never to have treated him with any remarkable consideration, either of person or rank. His disregard possibly proceeded from the mean opinion he had of his magnanimity and constancy, and the same motive might influence the French king likewise; for though David's friendship must have been of the utmost service to his affairs, I do not find he ever trusted him

A. D. 1371.
His character.

but as they are given up by the best English historians as forgeries, and indeed confute themselves, I shall forbear giving any extracts of his arguments.

after

A.D. 1371. after he was delivered from his captivity. He is praised for some laws that passed in his reign, particularly for one which was enacted at the request of the three states, forbidding his soldiers, as they marched to his army, to molest their landlords, and commanding them to pay for every thing they took from the people.

Robert the second.

I shall not enter into any previous detail of the history of the house of Stuart, the head of which is now to succeed David Bruce in the throne of Scotland; their most material actions being inserted in the body of this work. His mother's death was accidental, and his own coming into the world, if we are to believe the best of the Scotch authorities, was next to miraculous. His mother Margery, daughter to Robert Bruce, in the year after her marriage, being 1316, in coming, on a Shrove Tuesday, from Paisley to the castle of Renfrew, the principal seat of her husband's family, and she big with child, lost her life by a fall from her horse. The Cæsarean operation, however, being performed, the child was taken alive from her body; but was, by accident, wounded by the incision-knife in the eye, which gave him the name of Robert, or king, Blear-Eye ever after. To perpetuate this memorable event, a cross, called Queen Blear-eye's Cross, was erected on the spot where the operation was performed; and the place is said to be known by that name to this day. I have already related his history, while

His remarkable birth,



ROBERT STUART II



A. D. 1371.

while he was a young man, and joint or sole regent of the kingdom; and it appears from original and undoubted records still extant, that his great patrimonial estate was, from time to time, very considerably augmented by David's liberality. It is somewhat difficult to reconcile this to the hatred which David is said to have conceived against him for his behaviour at the battle of Durham; and Abercromby, with some other writers, have taken occasion, from that event, to treat the whole of that dislike as a fiction. I cannot be entirely of that opinion; but perhaps David's resentment at the manner in which he and the earl of March retired from that battle, subsided upon cooler reflection; and I am apt to think that David was compelled by Edward to the steps which he afterwards took, to set Robert aside from the succession. It is undoubted that, at the time of David's death, Robert was considered as his heir; but some authors, of no mean credit, pretend that William earl of Douglas preferred a claim to succeed David. This claim arose from his mother, the only daughter of John Cuming of Badenoch, who had been killed in the church of Dumfries by Robert the first, and his followers. The mother of this John Cuming was the daughter of Dervegild, sister to king John Baliol, and aunt to his son Edward; and the Baliol family being now extinct, without issue, the earl of Douglas pretended, as well as they had done, to

and difficulties.

A.D. 1371. be descended from the eldest daughter of **David** earl of Huntingdon. I make no doubt, **that** this claim was mentioned (whether by **Douglas** or not is immaterial) but not insisted upon; and indeed there is the greatest reason to believe, that it was very ill supported in point of **fact**. **Robert** the first had been clearly of opinion, **that** the descendants of his daughter **Margery**, next to his own male-issue, were entitled to the crown. The succession had been settled accordingly, nor do we find the smallest vestige of **Douglas's** claim during the late reign. The great nobility had made a successful, but, for themselves, a dangerous struggle, to preserve the title of the Stuart family inviolate; and **we are** told that the earls of March and Murray, governors of **Dumbarton** and **Stirling**, and **Sir Robert Erskine**, governor of **Edinburgh-castle**, prevailed with **Douglas** to withdraw his claim.

He is
crowned,

An assembly of the states being held, it was resolved that **Robert** should be crowned; but to take away, for the future, all dispute relating to the succession, the following act was drawn up and signed by fifty-one prelates, noblemen, and barons; and as it is the most important perhaps that ever passed in the Scotch parliament, I shall here lay it before the reader. "In the name of the Holy and undivided Trinity, Father, Son, and Holy Ghost. Amen. Upon the twenty-seventh day of March, and year from the incarnation of our Lord 1371, according to the custom

custom and computation of the church of Scot- A.D. 1371.
 land, the most serene prince and lord Robert
 king of Scots, being at Scoon the time of his
 coronation, the prelates, earls, barons, and others
 of the clergy and people of this kingdom, be-
 ing also then present, after the sacred solemnities
 of his anointment and coronation were
 ended, and his legal right declared, by virtue
 of which, the said most serene prince had suc-
 ceeded, and ought to succeed to the lord David
 king of Scotland, his uncle and predecessor, both
 upon the account of his propinquity, and the de-
 claration thereof contained in certain instru-
 ments, which were made in the time of the lord
 Robert king of Scotland, of famous memory,
 his grandfire and predecessor, which instru-
 ments were produced and publicly read; as
 also, after he had taken the usual oaths of ho-
 mage and fealty from the said prelates, earls,
 &c. he then, being induced by the example of
 the said king Robert, of celebrated memory, his
 grandfather, thought fit to declare, in presence
 of the clergy and people, his successor and true
 heir; who, although he was, and is abundantly
 well known, he nevertheless, with the unani-
 mous assent and consent of the said prelates,
 earls, lords, and barons, did declare, assert, ac-
 knowledge, manifest, and will, that, when he
 should happen, at the pleasure of Almighty
 God, to depart from this life, the lord John, his
 first-begotten son, earl of Carric, and steward of

declares his
 succession;

A.D. 1371. Scotland, shall, and ought to be his true and lawful heir ; and that, after his death, the said lord John shall succeed to him by the providence of God, and shall sit, and ought to sit, upon the throne of this kingdom. Which declaration being so emitted by our sovereign lord the king himself, concerning his said eldest son and heir, every one of the said prelates, earls, lords, barons, and others present, with a full voice, one by one for himself, his heirs, and successors, did assert, affirm, acknowledge, declare, and will, that the said lord John, after the death of his said father, shall, by the grace of God, if alive at this time, be king of Scotland, as lawful heir of his said father; promising each of them *bona fide*, and having their hands lifted up to heaven, in token of their sincerity, that they shall hold and esteem him as their king; and that they shall assist and defend him against all mortals."

undertakes
to pay Da-
vid's ran-
som.

From this act of recognition, nothing can be more plain than that the whole assembly, as well as Robert himself, were fully sensible of the legitimacy of his son John, which has afforded such matter for antiquaries and critics, and which, in order to keep the narrative unmixed and regular, I shall treat of before I take my leave of this reign. It is remarkable that, at the time this act passed, Euphane, second wife to Robert the second, and mother-in-law to his eldest son John, was alive; and it is next to incredible,

credible, that she would have been silent on such an occasion, (as she had male-issue of her own) had the legitimacy of John been questionable. From this unanimous act of recognition, we have the strongest reason to believe, that Robert was beloved and respected by his people at the time of his accession; but a truce of fourteen years being then concluded, he could not avail himself of their dispositions to recover from the English Berwic and Roxburgh, and other places on the borders. The nation was still indebted to Edward for fifty-six thousand pounds, which Robert undertook to pay at the rate of four thousand marks every Midsummer-day, till the whole was discharged.

Robert hoping that, by those precautions, he had secured the peace of his country with England, threw his eyes towards France. I have already hinted that a coldness, for some years before David's death, had subsisted between the two nations on account, chiefly, of David's unsteadiness, and his connections with Edward. The Scots, in general, were well affected to a French alliance, and never had been satisfied with David's conduct on that head, or rather many of them were at this time tired with the truce, and ripe for a breach with England. Robert nominated the bishop of Glasgow, Sir Archibald Douglas, Sir James Douglas, and Mr. Adam Tynnyngham, or Cunningham, as his plenipotentiaries, to treat with Charles the fifth,

fur-

A.D. 1371. furnished the Wife, and their commission is dated at Scoon, the last of March 1371. The occasion, through the situation of affairs, was very tempting to both parties. Charles, by prudence and perseverance, had brought the affairs of England in France very low. The Black Prince had been ungratefully treated by Don Pedro the Cruel, whom he had replaced on the throne of Spain, and for whom he had sacrificed the remains of his vigour and constitution; so that Charles only waited for an opportunity to drive the English wholly out of France, and none so fair could be presented as a close alliance with Scotland. He had (according to Sir James Balfour) instituted a guard (if it was not a revival of the old institution) of a hundred Scotch archers, who were to watch over his personal safety night and day; and the reception he gave the plenipotentiaries was cordial and magnificent. We are told that, after some conferences, the following terms were agreed to between them and the king of France.

Treaty with
France.

“That the said king should require the king of Scotland and his subjects to maintain their alliances with the king and kingdom of France, in whose prejudice the truces with England had been made: That these truces being of themselves null and void, should be declared to be such by the pope, who also, for the same reason, should dispense with the oaths taken by the king

king of Scotland, and the Scotch nation : That A.D. 1371.
 the king of Scotland should, in pursuance of his
 former obligations, make war with the king
 and kingdom of England : That to enable him
 both to make war, and to pay the remainder
 due for the ransom of king David, the king of
 France should pay to him a hundred thousand
 nobles of gold : That he should also send arms
 to Scotland for five hundred knights, and five
 hundred serjeants : That during the space of
 two years, he should pay and entertain five hun-
 dred men at arms, and five hundred serjeants,
 besides a thousand good experienced soldiers,
 nay, and more, if there should be occasion for
 them : In fine, that the money destined for these
 uses, should be paid annually at Bruges, in the
 church of the Augustines. Notwithstanding all
 which, such other supplies as the king and king-
 dom of France were, by former treaties, oblig-
 ed to give to the king and kingdom of Scotland,
 should be continued *.”

I am apt to think that the above heads were
 no other than the sketch of a convention, struck
 out by Charles the fifth and his ministers, but
 such as was agreeable to the sentiments of the
 plenipotentiaries, who, however, could not
 carry it into execution. It is of importance to
 this history, as it gives us a true and lively idea

Honourable
 behaviour of
 Robert.

* Traitez d'entre le roys de France & d'Angl. p. 283. Aber-
 cromby.

A. D. 1371. of the connection which the French had always wanted to form with the Scots. We here see that the fundamental doctrine they endeavoured to inculcate was, that all truces or treaties concluded between Scotland and England were of themselves void, if the French were at war with the English. To palliate this system of perjury, the assistance of the pope is called in; a dazzling sum is offered, and liberal supplies furnished. It is to the honour of this ancestor of the Stuarts, that he spurned at conditions so repugnant to public faith and common honesty; notwithstanding the many reasons he had to wish for an alliance with France. Another treaty therefore was proposed and concluded, far more consistent with the honour of Scotland, and was ratified first by king Charles at Chastel du Bois de Vincennes, the last of June 1371, in the eighth year of his reign; and afterwards by king Robert, in the castle of Edinburgh, the twenty-eighth of October, the same year 1371, and first of his reign. By this treaty it was provided, that neither the king of Scotland, nor the king of France, should be obliged to make war against England. By another clause, the dispensation or authority, even of the pope, could never free either of the kings or kingdoms of Scotland and France from the obligation they lay under to assist one another as often as required, in opposition to the king
of

Aber-
cromby.

and kingdom of England. By a third, it was provided, That in case a competition should arise about the crown of Scotland, the king of France and his heirs shall take care that no English influence was used; but that the matter being by the greatest and best part of the Scots nation decided conformably to the laws and statutes of Scotland, he should, with all his power, assist and defend the person so established. Lastly, it was agreed, That no Frenchman should ever henceforth serve for wages, or otherwise, against Scotland, nor any Scotsman against France. This last article requires to be explained.

A. D. 1372.

During the last years of David the second, his connections with Edward, and his coldness towards France, were such, that while the truces between England and Scotland subsisted, the Scots were at liberty to serve for pay, either in the French or the English armies. We find, for instance, that in June 1369, Godfrey de Ros and Patric Macculloch, two Scotch knights, enlisted themselves, with forty men at arms, in the English army. It appears likewise, from the English historians, that the Scots formed no inconsiderable part of the army that Edward maintained in France, before this treaty was concluded. Barnes, in his Life of Edward the third, tells a very extraordinary exploit, performed by a Scotch knight, when Sir Ro-

His new connections with France.

Rymer.

A. D. 1371 bert Knolles commanded the English *. The story is curious ; but as it serves only to exhibit a degree of valour approaching to frenzy, in the Scotchmen, I have thrown it into a note.

The late treaty occasioned a recal of all the Scots out of the English armies, and Edward

* " At that time there was done an extraordinary feat of arms by a Scotch knight, named Sir John Assueton, being one of those men of arms of Scotland who had now entered king Edward's pay. This man left his rank with his spear in his hand, his page riding behind him, and went toward the barriers of Noyon ; where he alighted, saying, " Here, hold my horse, and stir not from hence ;" and so he came to the barriers. There were there at that time Sir John de Roye, and Sir Lancelot de Lorris, with ten or twelve more, who all wondered what this knight designed to do. He, for his part, being close at the barriers, said unto them, " Gentlemen, I am come hither to visit you ; and because I see you will not come forth of your barriers to me, I will come in to you, if I may, and prove my knighthood against you : win me if you can." And with that he leaped over the bars, and began to lay about him like a lion, he at them, and they at him ; so that he alone fought thus against them all for near the space of an hour, and hurt several of them. And all the while those of the town beheld with much delight, from the walls and their garret-windows, his great activity, strength, and courage ; but they offered not to do him any hurt, as they might very easily have done, if they had been minded to cast stones or darts at him : but the French knights charged them to the contrary, saying, " how they should let them alone to deal with him." When matters had continued thus about an hour, the Scotch page came to the barriers with his master's horse in his hand, and said in his language, " Sir, pray come away, it is high time for you to leave off now ; for the army is marched off out of fight." The knight heard his man, and then gave two or three terrible strokes about him to clear the way, and so, armed as he was, he leaped back again over the barriers, and mounted his horse, having not received any hurt ; and turning to the Frenchmen, said, " Adieu, Sirs, I thank you for my diversion ;" and with that he rode after his man upon the spur towards the army."

look-

A. D. 1372.

looked upon it as a prelude to an invasion from Scotland. He accordingly issued writs for ar-
 raying the militia in the north of England *;
 and it is certain, that though there was at this
 time no declared war between Robert and Ed-
 ward, yet daily hostilities were committing be-
 tween their subjects. To understand this, I am
 to inform the reader, that the marchers of both
 kingdoms acted under very little controul from
 their respective sovereigns. They established
 with one another, certain conventions, of a dif-
 ferent species from the civil constitutions of
 either country, which have been since collec-
 ted, and go by the name of Border Laws. A
 rooted enmity subsisted, not only between the
 common people of the two kingdoms, but be-
 tween their nobility; and at the time I treat of,
 the families of Douglas and Piercy, whose
 estates and commands lay contiguous to each
 other, were at perpetual variance. It had been
 common, during a truce, for the borderers of
 both kingdoms to frequent each other's fairs;
 and a servant of the earl of March had been kil-
 led in a fray at that of Roxburgh, which was
 still in the hands of the English. Justice for this
 murder was demanded of the lord Piercy, who
 fled the complaint; upon which the earl of

embroil him
 with Eng-
 land,

* The transactions between Scotland and England have been
 very inaccurately represented by Barnes and the antient English
 historians, whose mistakes have been adopted by Carte.

A. D. 1372. March, and his brother the earl of Murray, assembling their followers, entered the next fair that was held at Roxburgh, rifled the booths, put to the sword all the English who fell in their way; and setting the town on fire, they marched off with their booty.

and a war
ensued.

This insult produced reprisals from the English borderers, who were ordered to lay waste the earl of March's lands; but in their way thither, they destroyed those of Sir John Gordon, a person of great property in the south of Scotland. Sir John, in his turn, invaded England, from whence he drove off a large booty of cattle, and many prisoners; but in his retreat, he was attacked by a body of fresh troops under Sir John Lilburn, at a place called Caram. An obstinate encounter followed. The Scots were five times repulsed; but, at last, they renewed the charge with such fury, that they made Lilburn and his brother, with several gentlemen of distinction, and their surviving followers, prisoners. This defeat served only to widen the breach, and lord Piercy, with seven thousand men, encamped at Duns, a town in the south of Scotland, but retired, probably for want of subsistence, either for men or horse *. Perhaps an-

* The Scotch historians sometimes disfigure their narratives, by admitting into them popular traditions. We are told, for instance, that while the lord Piercy lay at Duns, the Scotch peasants filled bags of dry leather with small pebble stones, which they rattled near the English camp so furiously, that their horses, being frightened, broke loose and fell into the hands of the Scots, which

other reason might be assigned; for we are told A. D. 1372. that Musgrave, the governor of Berwic, who had been ordered to join Piercy with a detachment from the garrison, was, on his march, intercepted, defeated, and taken prisoner, by Sir John Gordon. The border war, after this, became general on both sides; for I perceive that Sir John Johnston, and his followers on the west borders, did as much harm to the English by their incursions, as used to attend the ravages committed by regular armies.

All the dazzling glories of Edward's reign A treaty. began now to fade. He was himself under the influence of weak ministers, and a rapacious mistress. His parliament was discontented, and his people unruly. This disordered state of affairs in the south obliged the English marchers in the north to remain with a large force on the defensive; nor do we know of any remarkable hostilities that passed between the two nations 1373. in 1373. On the contrary, in February and May that year, negotiations were set on foot for accommodating all differences upon the borders. At last, William earl of Douglas was nominated head-commissioner for Scotland, and the lord Henry Piercy for England. I do not, perceive that their conferences were attended with any remarkable success. The historians

which was the occasion of Piercy's return. This story is very gravely and circumstantially recorded by Buchanan, in excellent Latin.

of

A. D. 1373. of both countries agree, that, during the remainder of Edward the third's reign, the borders of the two kingdoms were in a state neither of peace nor war.

Difficulties
attending it.

Notwithstanding this, a good correspondence between the two courts still subsisted; for Robert was very punctual in discharging the arrears of his uncle's ransom. In the acquittances he received, he had no other title from Edward than that of the most noble and most potent prince Robert, his dear cousin of Scotland; and in time of war he was designed his adversary of Scotland. Robert complained of this disrespect; and, considering how very delicate the Scots were in the two last reigns, and how much blood they had spilt to maintain the sovereign title of their kings, it is not easy to account how the affair came to be so slightly treated in this reign. My opinion is, that the Scots were influenced to acquiesce by the example of the French king, to whom Edward denied that title, and who, notwithstanding, treated with his ministers. But, after all, if the renunciation of Baliol was valid, Edward could not, consistently with himself, give Robert the title of king; though in the pass which he gave to queen Margaret, widow to the late king, he calls her the queen-dowager of Scotland. Robert's complaints continuing, he was at last satisfied with a written assurance, given him by Edward, that the acquittances should be as valid

Rymer.

lid as if the title of king of Scotland was inserted. A.D. 13

On the fourth of April this year, a parliament met at Scone upon a very momentous occasion. Robert had a numerous issue, but his son and heir by his first marriage had none, and was of a sickly constitution. His daughters had been married into several powerful families, who had remote pretensions to the crown; and, upon his death, his younger sons might aspire to the royal dignity during the life-time of their elder brother. It was therefore by this parliament enacted, “ That the sons begotten of his first and second wives, and their heirs, should in order succeed to him, the said king, in the kingdom and right of reigning; that is, that his eldest son, the lord John, earl of Carric, and steward of Scotland, procreated betwixt him and his first wife, Elizabeth More, conformably to the declaration made in the last parliament, should succeed to him; and failing him and the heirs of his body (which God forbid) the lord Robert earl of Fife and Menteith, second son of the said lord the king by his said first wife; and the said lord Robert and his heirs also failing, Alexander lord of Badenoch (afterwards earl of Buchan) the third son of the said lord the king by the same wife; and the said lord Alexander and his heirs failing also, the lord David earl of Strathern, son of the said lord the king, begotten of his second wife,

A parliament
held at Scone
in Scotland

Eu-

A. D. 1373. Euphame Rofs; and the said lord David and his heirs in like manner perchance failing, Walter, son of the said lord the king, brother-german of the said lord David (afterwards earl of Athol); and that the foresaid five brothers, and the heirs from them descending, failing perchance in like manner, and wholly (which God forbid) the true and lawful heirs of the blood and stock-royal from thenceforward should succeed in the kingdom and the right of reigning."

The legitimacy of the Stuart line vindicated.

This act of parliament, to which the great seal of Scotland, and those of forty-one prelates, earls, and barons, particularly that of William earl of Douglas, are appended, is a fresh and most signal refutation of Buchanan's calumnious assertion, who says, that king Robert, in the third year of his reign, married Elizabeth More, who had been his concubine, legitimated her children, advanced them to honours and riches, and obtained an act of parliament, by which they were preferred, in the order of succession, to the children of queen Euphame. After an assertion so false in fact, and contradicted by so many authentic records, the candid reader cannot be astonished at the many harsh charges which have been brought against Buchanan's veracity in so capital a point as that of bastardizing all the royal line of Scotland, from which his present majesty derives his title to the crown of Great Britain. I shall add,

add, now that I am upon this subject, that in the year 1695, the greatest antiquaries * of Europe, after inspection and examination, admitted the authenticity of a charter which is deposited in the Scotch college at Paris, and was published by its principal, Lewis Innes. By this charter, which is dated 1364, Robert, who was then steward of Scotland and earl of Strathern, endows a chapel which he had erected in consideration of the dispensation granted him by the pope (dudum) for marrying long ago his deceased wife, Elizabeth More, notwithstanding the consanguinity between them and the seal of his eldest son, John Stuart, lord of Kyle, is appended to the same. The witnesses are the abbot of Kylwynnyne, and the lord John, brother to the high-steward, with many others. Can it be supposed, that Robert's own brother would have witnessed this deed, had there been the least question as to the legality of the marriage †? But indeed the

* Renaudot, historiographer to the French king; Baluze, the royal professor of the canon-law at Paris, and keeper of the Colbertine library, with Mabillon and Ruinart, Benedictines in France; Dr. Brady and bishop Nicholson, in England; and the very learned Ruddiman in Scotland.

† I have not, upon the most accurate search, discovered the consanguinity between Robert and Elizabeth More, mentioned in this charter. Mr. Ruddiman, in his preface to Anderson's Selectus, thinks, that John, and some of his brothers and sisters, might have been born before marriage; but after the marriage was celebrated these children became legitimate by the canon-law, which at that time prevailed all over Europe, excepting England, and does at this day in Scotland. I am not clear upon the head. It is certain, that Fordun, or his continuator, gives

A.D. 1373. proofs of John's legitimacy are so various, that it would be tiresome to the reader, should we multiply them in this place. I shall only add, that the calumny seems to have taken rise, as we shall see hereafter, from the pretensions of the sons of the second marriage, who wanted to bastardize the progeny of the first; and that Robert certainly had natural children by a lady of the name of Moran, who was married to a gentleman named Giffard, and is therefore either inadvertently or designedly confounded with his wife Elizabeth.

Schism in
the church.

1377.

The settlement of the succession, in the solemn manner it was performed at Scone, consolidated the internal interest of Scotland, which seems to have enjoyed a profound peace for some years. The death of the Black Prince, and that of his father, which happened in 1377,

countenance to Buchanan's calumny, but it is flatly contradicted by the charters I have mentioned. Whether John was born before or after the marriage of his father with Elizabeth More, is entirely immaterial; because there can be no question as to his legitimacy.

Before I leave this subject, I cannot help taking notice of a very remarkable fact. There is extant among the records of Scotland, and printed in the continuation of Fordun, a charter granted by king David, concerning the effects of bishops who die intestate; and to this charter our Robert's eldest son, John, who is there stiled earl of Carric, is witness. Had this charter been dated, it might have gone far towards ascertaining whether John was or was not born before the year 1335 or 36, which is the latest date the best antiquaries have assigned to Robert's marriage with Elizabeth More; but it is pretty singular, that this date, together with some of the other witnesses' names, are torn off from the charter.

joined

joined to the ascendancy which Charles the fifth of France had now obtained in the affairs of Europe, undoubtedly contributed to this tranquillity. The schism which happened between pope Urban the sixth and Clement the seventh, and which continued for so many years, very possibly conduced to the same end; for while it ingrossed the attention and employed the arms of all the powers of Europe, the Scots, though they sided with the French in recognizing Clement, took little or no concern in the quarrel. Upon the whole, I cannot, during the above-mentioned period, discover any civil transaction in Scotland that deserves to be recorded in a general history.

The accession of Richard the second (who was but a boy) to the crown of England, encouraged the French king to form a plan of operations which might render it of advantage to his dominions; and this he could execute only by bringing the Scots into his measures, which were far from being disagreeable to their great men. Hostilities were again renewed upon the borders between the two nations. The fair of Roxburgh was once more the scene of action, and the town was again burnt down by the Scots. The lord Piercy, who was now earl of Northumberland, resolved to take a signal revenge; and he ravaged the Scotch borders, particularly the earl of March's estate, for three days, at the head of ten thousand

A.D. 1377. men. I have already hinted, that hostilities upon the borders did not imply any between the two courts. Commissions were issued, one in September 1377, and another in January following, for compromising matters; but indeed the calm that had prevailed for some time was productive of a very extraordinary effect. The borderers not tasting, as usual, the sweets of English plunder, had formed themselves into bands of banditti, independent of all controul, even that of the lords marchers. They became at last so powerful, that they resolved to break the truce which was then subsisting, by taking the castle of Berwic, which they actually surprised in the night-time, about the end of November, under the command of one Ramfay, and put all who fell in their way, particularly Sir Robert Boynton, the governor, to the sword. As plunder was their chief object, they granted his wife, his children, and some of his friends, their liberty, upon their engaging to pay two thousand marks sterling, or to surrender themselves prisoners in the castle within three weeks.

*Berwic
surprised by
the Scots,*

*but is re-
taken.*

As the French king had two ambassadors, at this time, in Scotland, I am inclined to think that they knew of this exploit. The earl of Northumberland, who was then under a cloud at the court of England, sent a messenger to the earl of March, demanding to know whether he was privy to the attempt. His answer

answer was, he was so far from knowing any thing of the matter, that he was ready to join the earl of Northumberland to retake the castle. By this time, the English army had besieged it, and had summoned, in the king of England's name, those within to surrender. The answer was, that they would neither give it up to the king of England nor Scotland, but that they would defend it for the use of the king of France, with whom no truce with England subsisted. According to the best authority, the besieged were no more than forty-eight persons, and the besiegers amounted to near ten thousand, under the command of the earls of Northumberland and Nottingham; the lords Nevil, Lacy, Stafford, and others. For eight days the castle was bravely defended, but on the ninth it was taken by storm, and all the garrison, excepting Ramsay their leader, who was saved for the information he could give of his accomplices, were put to the sword*. The English, however, not satisfied with taking this important place, invaded Scotland. It is probable, that this invasion was occasioned by an attempt which the earl of Douglas made to throw himself and five hundred men into the castle of Berwic to defend it, and to save Ramsay, whom Buchanan calls his friend; but find-

* The Scotch writers are very inaccurate in their accounts of the retaking Berwic-castle; and therefore I have chiefly followed the English in my relation.

A. D. 1377. ing the relief of the place to be impracticable, he desisted from his enterprize. He had, however, taken his measures so well, that the English durst not venture to advance into Scotland without reconnoitring the country, for fear of ambushes. Sir Thomas Musgrave was employed in this service; but he fell in with a party of the Scots, and six hundred of his men were killed or made prisoners, he himself being taken at the same time; upon which, the earl of Northumberland thought proper to desist from his expedition. Upon the whole, I believe that Robert was entirely innocent as to this flagrant breach of the truce; but that it was at least encouraged by the earl of Douglas, and that the English were of that opinion, is undoubted.

The English
worsted.

Exploits of
of the Scots
by sea.

While those hostilities were committing at land, an unusual scene happened by sea, in the year 1378. A Scotchman, one Mercer, an able seaman, who had made a large fortune by his depredations upon the English, had been taken into the particular confidence of the French king; but had the misfortune to be made prisoner by the inhabitants of Northumberland, and committed to the castle of Scarborough. He had, by arts not uncommon to people of his profession in those days, concealed his riches, and the credit he had at the French court; but his son John Mercer, who equalled his father in capacity, attacked Scarborough with a squadron of

of ships manned by Scots, French, and some Spaniards, and had carried off from its harbour many vessels, and a good number of prisoners. In the mean time, the elder Mercer seems to have obtained his liberty by being exchanged with other prisoners of an inferior value: this the English historian Walsingham laments, as a great misfortune to England, which might have been enriched by the ransom he was capable of paying. The younger Mercer after this scourged the seas, and took under his convoy fifteen rich Spanish ships. Philpot, an alderman of London, a man of great courage and spirit, and a very considerable leader in parliament, perceiving that the English government, at the head of which the duke of Lancaster was, made no preparations against Mercer, fitted out a very considerable fleet at his own expence, and took the Spanish ships, for which he was afterwards reprimanded by the council of England, for having acted as a pirate, and without authority. We are told that Philpot had on board a thousand land troops; and that, making young Mercer a prisoner, he brought back his fleet in triumph to London.

Notwithstanding this advantage obtained by the English, their government persuaded young Richard to nominate commissioners for concluding a final peace with Scotland on the twenty-second of October; but their meeting was prevented by the taking of Berwic, which I have already

A new
treaty pro-
posed.

A.D. 1379 already mentioned. The year 1379 is distinguished by a most dreadful plague, which had been imported from foreign parts to England, and almost depopulated the northern parts of that kingdom. Walsingham, and I have little or nothing to offer against his relation, says that this calamity encouraged the Scots to invade England with inexpressible fury. He represents their barbarities as being inhuman to the last degree, by cutting off the heads of the defenceless inhabitants, burning their villages, and driving off their cattle, even to their swine, a species of animals towards which the Scots, in general, had a remarkable aversion. Lest they should partake of the infection, they were furnished with the uncouth prayer which the reader will find in the notes *. The situation of England was such, at this time, that no attempt was made by her government to revenge those barbarities, which I am apt to think have been not only exaggerated, but misrepresented, by Walsingham the historian, a bitter enemy to the Scots. Perhaps some of the banditti might be guilty of great enormities; but it is impossible, if the whole of Walsingham's relation had been true, that complaints would not have been preferred at the English court against them, as a truce was then subsisting between the two na-

The war
continues.

* "God and Saint Mungo, Saint Romayn, and Saint Andrew, schield us this day fro Goddis grace, and the foule death that Englishmen deen upon."

tions.

tions. This was far from being the case, and the council of England, in March 1380, ordered all their king's subjects in the north religiously to observe the truce. It is true, the English were then engaged in a not very prosperous war with France; but that, as we have often seen, had been the case before, without remitting any of their preparations against the Scots. Nay, their kings and they had met with the greatest overthrows, and several disasters, while the English were more deeply engaged with France than they were at this period.

A. D. 1380.
Rymer, vol.
VII. p. 245,
246.

The earl of Northumberland, and the other lords marchers of England, had undoubtedly their reasons for making great preparations at this time against the Scots; and Walsingham seems to have copied his relation from the representations of their barbarities, which those lords sent to the court of England. The chief advantage, perhaps, which the Scots at this, and indeed any other, time, received by their alliance with France, which was then intimately connected with the crown of Spain, consisted in the extension of their commerce, which, even after Mercer was defeated and taken, continued to be so brisk and flourishing, that the trading towns in the north of England, particularly Newcastle and Hull, fitted out privateers to interrupt it, and actually took a Scotch ship, valued at the immense sum (for those days) of seven thousand pounds sterling. This capture

by sea and
land.

A.D. 1380. was unjustifiable upon every principle of public faith ; and indeed the English seem to have considered it as such. As no law existed for settling the dividends of a prize made in time of peace, the earl of Northumberland, and the other lords marchers, the moment the booty was brought on shore, claimed the whole, or a part of it, to which they unquestionably had as good a right as the captors. Even the latter could not agree among themselves, about their shares in this lawless booty ; and a scene of contention among the several parties ensued, which gave the Scots leisure to assemble to the number of twenty thousand men, under the earl of Douglas, to revenge the insult.

The government of England condemned the proceedings of their northern subjects, and had sent repeated orders to the earl of Northumberland, the baron of Greystock, and other lords of those parts, not to provoke the Scots, but to observe the truce. Those orders were so ill obeyed, that the earl of Douglas was under a kind of necessity to make reprisals. He made an irruption, at the head of his army, into Northumberland and Cumberland, where towns and villages were burnt down ; the country was plundered, and no fewer than forty thousand head of cattle were sent into Scotland. Those ravages were carried on with such rapidity, that Douglas found means to surprize the town of Penrith, during its fair, one of the most frequented

Penrith surprized.

mented in the north of England. All the merchandizes and effects exposed to sale, became the prey of the Scots; many of the traders and country people were killed, but more were carried into captivity. The earl of Northumberland continued to be still at variance with the maritime towns, who refused him any assistance; but the sufferings of the English at last uniting them, he found himself at the head of a numerous army, and was preparing to give battle to the Scots, when he received an order from his court, expressly commanding him to desist till the next march day, when matters between the two nations were to be amicably adjusted. The earl, powerful and turbulent as he was, did not dare to disobey. The order, however, being addressed only to him, Talbot, who probably was another of the lords marchers, and a considerable sufferer by the Scots inroads, passed over the Solway firth to Scotland, where he destroyed all the adjacent country with fire and sword. In the mean time, the Scots had returned to their own country by the way of Carlisle, which they had not ventured to attack; and they placed an ambush at a most advantageous pass, by which they knew Talbot must march. The stratagem succeeded, a number of Talbot's men were killed, two hundred and forty were made prisoners, and all the booty made by the English,

Lord Talbot
taken pri-
soner.

A. D. 1380. many of whom were drowned in their precipitate retreat, was recovered.

Duke of
Lancaster
directs the
affairs of
England.

It is too common for national writers to attribute the defeats or disgraces of their countrymen to any cause but the true one. What they ought to ascribe to the superior skill and courage of an enemy, they impute to chance or the treachery of their own generals; a manner of writing which the English historians have copied from the French. At the period I am now treating of, though there is no difference as to facts, yet the duke of Lancaster's treachery is assigned as the cause of all the successes of the one nation, and the distresses of the other, without those writers considering that the Scots of this period were the immediate descendants of those who had fought the battle of Bannockburn, who had filled all Europe with the splendor of their actions, after being more illustrious by their defeats than other nations are by their victories. As to the duke of Lancaster, it is true, he had, at this time, views upon the crown of Castile; but no historian has pointed out in what manner those views could be served by the disgraces of his nephew's arms, which must reflect dishonour upon himself, as he was then at the helm of affairs in England. The truth is, and it appears from unquestionable records, that the duke thought the proceedings of the English lords marchers to be inde-

indefensible, and that their dissensions with the inhabitants of the sea-ports had greatly contributed to the success of the Scots. If we take facts as they arise from the English narratives themselves, this was the sense of the other members of the council, who called upon the duke to take upon himself the important charge of making either war or peace with the Scots. He accepted of the commission, and being put at the head of a very fine army, he marched northward towards the end of autumn, or about the beginning of winter. Before he entered upon hostilities, he invited the Scots to a treaty; and the following commissioners were appointed on their side: Walter bishop of Glasgow, John bishop of Dunkeld, William earl of Douglas, George earl of March, and Archibald Douglas, lord of Galloway. Their conferences were held at Berwic the first of November 1380, and a truce was agreed upon to continue till the last of November 1381; but this truce, I understand, related only to the borders, there being as yet no general war between the two nations.

Concludes
a truce.

Walsingham, whom I have so often mentioned to have been a foe to the Scots, discovers, on this occasion, an enmity to the public faith of nations. Forgetting that the duke was sent to treat, as well as to fight, with the Scots, he tells us, that his army was sufficient to have conquered all Scotland, but that the false

Vindication of that
prince.

A.D. 1380. false and cunning Scots not only deceived but mocked him, that is, they agreed to treat with him on the principles of justice and equity. The late treaty of truce not being definitive, it was agreed that, in the mean time, another congress should be held for finally settling all matters in dispute between the two crowns. It is highly to the honour of the duke of Lancaster's character, that, after this treaty had been ratified by his nephew, Richard the second, on the first of December, he dismissed his army, for which he is abused by English writers, but with what propriety I cannot perceive. Had he entertained the ambitious views he is taxed with, he would have kept himself at the head of his army, as he knew the powerful party then forming against him in England; he would even have attempted to bring the Scots to assist him, by giving them a definitive treaty upon their own terms; and it is more than probable, that he might thereby have saved England from the dreadful calamities which she was now beginning to suffer.

The truce
prolonged.

1381.

The duke of Lancaster was so far from having any selfish views on this occasion, that he acted with equal prudence and rectitude. In consequence of the last treaty of Berwic, he gave, on the twelfth of June 1381, a meeting at Abchester upon Ayton to John earl of Carric, who is in the record designed eldest son of the most serene

ferene prince Robert, by the grace of God, king of Scotland, and other Scotch commissioners. As this negotiation was intended for adjusting the heads of a definitive treaty, it was necessary to enter upon the examination of the grievances of both sides. The conferences on this head have been printed by Mr. Rymer in a most curious record, which plainly evinces, how well true policy and the laws of nations were understood by the Scots at this time.

According to the grand truce between Scotland and England, the subjects of Scotland were to have free intercourse and merchandize with the subjects of the king of England, as in time of peace, without being obliged to shew letters of safe-conduct; and the Scots complained, I think (according to the English authors themselves) with great justice, that this article had been often violated. The English admitted of the stipulation, but denied the charge of its having been violated. The Scots offered to refer the fact to an equal number of respectable noblemen, chosen from both nations, who were upon oath, in the nature of a jury, to enquire into the affair, and to return their verdict accordingly. The English objected to that method of proceeding, as being derogatory to the rights of sovereignty, and proposed to submit the matter to the decision of some foreign prince. The reply of the Scots to this proposal is well worthy of being transcribed

A.D. 1381.
Debates.

scribed. They pleaded, that the execution of this expedient was impracticable; that they had many reasons for rejecting such an arbitration; that one foreign prince could have no jurisdiction over the properties of another's subjects; and (alluding to what had happened to Scotland through the umpirage of Edward the first) that though a powerful kingdom, like England, had no reason to dread any such consequence, yet that the Scots must be upon their guard against calling in any foreign prince to arbitrate in their concerns, lest he should bring it as a precedent of his superiority over their kingdom. They next exposed the futility of the English expedient, by shewing it to be impossible to find a sovereign prince who would be agreeable to, and impartial between, both parties; that, upon the whole, the proposal was equally nugatory and dilatory; that could it be put into execution, it must be attended with a vast, but needless, expence; and that the calling in a foreign power must reflect dishonour upon the understanding of both nations, in a matter that might be decided upon the principles of common sense and equity.

From this record, which is void of local or national prepossessions, it appears, with what caution we ought to read the relations of English historians upon matters that relate to the two kingdoms. The Scots, in this negotiation,

ation, were not only better founded, but better informed, than their antagonists. A royal arbitration, as to the properties of subjects, was a ridiculous proposal. Courts of admiralty admit of no appeal in their last resort, and the whole transaction carries on its face the strongest evidences that the English neither acted nor meant fair; and that the reprisals of the Scots, however severe, and however censured they had been by their enemies, were justified by previous unwarrantable provocations. These were such as pleaded strongly for their not paying to the court of England twenty-five thousand marks, which were still due for David's ransom. In short, the duke of Lancaster was so much convinced of his countrymen's unjustifiable conduct, that he at last consented to wave all mention of the ransom till Candlemas 1383, by which time he was in hopes a general and a definitive treaty would be concluded. But, in order to have a clear comprehension of the state of this negotiation, I must recur to that of the two kingdoms at this period, after informing the reader, that a farther conference was agreed upon to be held between the earl of Carric and the duke of Lancaster, on the first of July 1383.

The commons of England had, by this time, in a great measure, emancipated themselves from their feudal subjections; and manufactures had obtained such a footing among the English,

State of
affairs in
England.

A. D. 1381. that even the villains, who had hitherto been considered as belonging to, or entailed upon, the estates of their landlords, thought they had a right to their proportions of liberty and property. It is foreign to this history to recount the several insurrections and rebellions excited by those newly-acquired notions. It is sufficient to say, that a rebellion in England ensued, so dangerous and universal, as to shake Richard's throne. He was even obliged to hold parlies with the insurgents, who marched triumphantly to London, where they set all prisoners at liberty, took the Tower, murdered the archbishop of Canterbury, and committed many other acts of unexampled violence. Their leader was one Tyler; but he was faced, at the head of an undisciplined rabble, by Richard and the magistrates of London, and put to death in the manner which is well known in history. The death of the leader did not weaken the rebels, for the king was obliged to give them their pardon; and the duke of Lancaster, who was then treating with the Scots, was by them considered as their capital enemy. I shall not deny, that this state of affairs in England influenced the duke's moderation in his treating with the Scots; but that consideration is far from affecting the merits of the differences, as I have stated them, between the two nations. The earl of Northumberland, who, till the time of the last meeting
at

at Abcheſter, had been the duke's firm friend, A. D. 1381. then declared againſt him ; but without giving any other reaſon, than that he had been a great ſufferer by the incurſions of the Scots, and that he was then precluded from all reparation. Knighton, who lived at the time, ſays, that during the conferences between the duke and the earl of Carric, the former carefully concealed from the Scots all intelligence of the inſurrection in England, fearing that, had they known of it, they would have riſen in their demands. This honeſt caution did not prevent the duke from ſuffering the moſt bitter mortifications from his enemies ; and, after the conferences with the earl of Carric were over, he requeſted of him and the other commiſſioners their good offices with Robert for an aſylum in Scotland againſt his enemies ; which was readily complied with.

Walsingham ſays, but without the leaſt authority, that the duke of Lancaſter, at this time, gave up to the Scots many lands which they had not before. This was far from being the caſe ; and the whole of the duke's conduct, on this occaſion, was that of a dutiful ſubject, and a good patriot. The Scots themſelves were, at this time, afflicted with a ſevere peſtilence, which they had introduced into their country from Penrith, at the time of their laſt irruption. Their authors have ſaid, that this calamity ſwept away no fewer than one-third

The duke
of Lancaſter
takes refuge
in Scotland.

A. D. 1387. of their nation; so that the Scots, as well as their enemies, had their reasons for agreeing to the treaty of truce.

Every day bringing fresh accounts of the progress of the English insurrection, of the ruin of the duke's estate, houses, and furniture, near London, he resolved to embrace the asylum that had been granted him in Scotland. It is said, with great probability, by Scotch authors, that the earl of Douglas, and the other great noblemen there, knew all along of the insurrection that was raging in England, notwithstanding all the pains the duke of Lancaster took to conceal it; and that before the truce was concluded, the duke was offered twenty thousand men to protect him against his enemies, provided he would head them in person; but he declined it, though his provocations were, at that time, very strong. The earl of Northumberland had denied him the liberty to pass through his estates to his own castle of Bamborough, and the officers whom he had entrusted with the care of his other castles on the Trent, had refused admittance to his duchess, who had been obliged to travel twenty miles by night to Knaresborough. Even those insults, gross as they were, did not shake the patriotism of the duke, who met with a most friendly reception at Edinburgh, where he received the news of a revolution at the English court in his favour, and that the rebels had
been

been totally subdued; upon which he set out for England, after receiving a most affectionate invitation from Richard's own hand. Though he met with some impediment in his journey from the earl of Northumberland, yet he arrived safe at court, where the first thing he did was to charge that earl with rebellious and seditious practices. Northumberland was ordered to put in his answer; but it consisted only of so disrespectful a behaviour, that he was committed to prison till he was bailed out by the earls of Warwic and Suffolk. This incident, distant as it seems to the purpose of this history, affords a presumption, that the earl had no material charge against the duke on account of his transactions with the Scots. They were so satisfactory to Richard and his council, that they were not only ratified, but special orders were issued, that the Scots should receive no molestation in their trade; a proof that the English thought the objections urged by the Scots at Abchester to be well founded. At the same time, the Scotch students at Oxford were ordered to be tolerated, though they adhered to the anti-pope in opposition to Urban, whose cause had been espoused by England.

The year 1382 affords few or no transactions of any importance in Scotland. All we know is, that the truce which had been concluded was disagreeable to the borderers on both sides; that

A. D. 1381.

1382.

A. D. 1382.
The truce
ill observed.

that the Scots assaulted and did some damage to the castle of Wark; and that Robert, foreseeing a war might break out, sent commissioners to France to renew the ancient confederacies between the two nations. Balfour says, that this year John Lyon, lord Glamis and chancellor of Scotland, and son-in-law to the king, was killed by James earl of Crawford; and that the noble knight Sir Alexander Lindsay died on his pilgrimage to Jerusalem.

MSS.
Annals.

1383.
A new
treaty.

In July 1383, in consequence of what had been agreed on at Abcheſter, another meeting was held between the duke of Lancaſter and the earl of Carric, but with very little effect. No definitive treaty was agreed upon. Robert was to ſend in Auguſt his reſolution on that head to Richard; and the king of England was to give intimation to the court of Scotland, about Chriſtmas, of the time he was to hold his parliament, that Scotch deputies (if they pleaſed) might there treat of a general peace. I am not here to diſſemble, that the truce had, in the intermediate time, been very ill obſerved by the Scots; and that the earl of Carric had ſo little to ſay in their behalf, that he agreed they ſhould make good, upon proper ſurveys and eſtimates being drawn out, all the damages they had done to the caſtle of Wark, and other places in England, during the truce. The truth is, Robert, even at the time of this interview, ſeems to have been reſolved on a rupture with
England,

England, being probably encouraged by the declining state of the English government; for when the duke pressed the earl of Carric to proceed to the definitive treaty, which was the intention of their meeting, the latter fairly owned that he had no instructions from his father on that head. Charles the fifth of France was then dead. Towards the end of his reign, he had concluded a treaty offensive and defensive with the Scots; but it never had been signed nor ratified. His son and successor, Charles the sixth, who was then a youth of most promising spirit and appearance, had been impressed with such high notions of the Scots, who had obtained, since the accession of Robert, so many advantages over the English, that his courtiers had persuaded him the latter could not fight so well in their own island as they did in France.

The bishop of Glasgow was the Scotch plenipotentiary on this occasion, and Charles shewed himself very ready to carry into execution the treaty which had been drawn up in his father's life-time. By that he obliged himself, as soon as an open war should break out between Scotland and England, to send to Scotland, and to entertain at his own charges, one thousand good men at arms, knights and esquires, and likewise a thousand stands of arms for the use of as many Scotch gentlemen, with forty thousand franks of gold, to be distributed by three Scotch and three French knights; but for what
pur-

The Scots
renew their
connections
with France.

A.D. 1383. purpose is not expressed, though they may be easily conjectured. The treaty being ratified by Charles, was sent with a solemn confirmation of the ancient leagues between the two kingdoms to Robert, who ratified it on the twentieth of August. This transaction seems to have been for some time a secret to Richard, for we know of no preparations he made against it. He had indeed demanded the twenty-four thousand marks, the arrears of David's ransom money; but he suffered the truce to elapse, and the Scots, who had made dispositions accordingly, renewed hostilities. Without being a professed advocate for the rectitude of all the Scotch measures at this time, I can find no reason to condemn them. If the English were the original infractors of the peace; if they were the first aggressors; and if the Scots had suffered by their injustice, without receiving any adequate reparation, (which undoubtedly was the case) Robert is not to be blamed for taking the first opportunity, upon the expiration of the truce, for demanding it by arms. It is true, many hostilities had passed during the truce; but it still subsisted between the two crowns, and they were to be considered as the lawless acts of individuals. Having said thus much, I am far from denying that the Scots took advantage of the juncture, and that they would have acted otherwise, had the situation of their affairs been less favourable.

In

In the beginning of the year 1384, the English were fully convinced that the Scots intended rupture, by their not having sent their deputies to treat of a peace in parliament. The duke of Lancaster, who was then on the border, was the first to apprize his nephew of his danger; and money was sent to the duke to raise men for chastising the Scots. We are told that the Scots, hearing of the duke's preparations, actually did send deputies to London; but that they were not admitted to an audience, on account of the treaty they had concluded with France, and the mean manner (as the English call it) in which they had deceived the nation. In this account there is nothing improbable. The duke of Lancaster, who was at this time his nephew's favourite, had always declared himself against a war with France and Scotland at the same time; and the Scots, out of regard to him, might readily agree to such a step. In the spring the earls of Douglas and March took the castle of Lochmaben, and intercepted a rich convoy which the English were sending to Roxburgh. After this they burnt the castle of Wark to the ground, and committed such ravages in the north of England, that several of the chief land-holders there repaired to court, and offered to resign their estates to Richard, because they were not able to defend them against the Scots. The duke of Lancaster, who was now at the head of an army, could no

A. D. 1384.

The war renewed between the Scots and English.

A. D. 1384. longer forbear hostilities; but while he was preparing to enter Scotland, the two earls and their followers took such measures, that the inhabitants removed their persons and effects out of danger.

The earl of Buckingham is said to have served under his brother the duke of Lancaster in this expedition, which was equally uncomfortable and ineffectual. The English had no provisions on the road, but what they carried with them. They found not only the country, but Edinburgh itself, void of inhabitants, who had retired cross the Forth with their effects; and the duke, out of gratitude for past favours, refused to take the unmanly revenge of reducing to ashes a town where he had of late been so hospitably entertained. The reader is not to imagine, that Edinburgh was then, as now, the capital of Scotland. It was distinguished only by its castle on the west, and a fine abbey on the east, the intermediate space being filled with wretched houses, for the convenience of the inhabitants taking refuge in the castle in times of danger: nor do I perceive that that fort had been taken by the duke in this expedition; so that the charge brought by English authors against the duke for not burning Edinburgh to the ground, is weak and frivolous. We may easily suppose, that every thing of value had been removed out of the abbey, and his laying it in ashes would have been deemed only an act of

Edinburgh
spared by
the duke of
Lancaster.

of wanton, unavailing, sacrilege. The duke A.D. 1384.
 marched no farther than Edinburgh; but we
 are told that, in his return to Berwic, he was
 skirted by flying parties of the Scots, and that
 when he mustered his army he found its num-
 bers considerably reduced. The duke's ene-
 mies did not fail to take advantage of his leni-
 ty, by misrepresenting his conduct to his ne-
 phew; upon whose weak mind their charges
 made a considerable impression: so that the duke
 was obliged to retire to his castle of Pomfret,
 which he strongly fortified. Being afterwards
 reconciled to Richard, he and the earl of Buck-
 ingham were sent as plenipotentiaries to treat
 with those of France, the dukes of Berry and
 Burgundy. The demands of the French were
 so high, that a truce could only be obtained to
 the first of May 1385, in which it was provided
 that Robert king of Scotland might be compre-
 hended, if he pleased.

I am uncertain as to the precise time when
 the French auxiliaries landed in Scotland. For-
 dun, who carries his history no farther than
 that year, fixes their arrival to the year 1385;
 but I find that some of them had landed the
 preceding year. Be that as it will, Robert, pre-
 tending that the truce between the English and
 French plenipotentiaries had not been properly
 signified to him, gave no orders for a cessation
 of hostilities; and the earls of Northumberland
 and Nottingham entered Scotland with ten
A new treaty.

A. D. 1384. thousand horſe, and fix thouſand archers, but retired after ravaging ſome part of the ſouth. The Scots took a ſevere revenge for this incurſion, for they laid England waſte to the gates of Newcaſtle, with fifteen thouſand horſe, (if there is not a miſtake in the figures) conſiſting, as we are told, of the Lindſays, Douglas's, and Dunbars. Soon after this, the truce was accepted of, at a place called Ayton, by cardinal Wardlaw, biſhop of Glaſgow, and the biſhop of Dun-keld, who were Robert's plenipotentiaries.

A ſeeming reconciliation had been patched up between the duke of Lancaſter, chief warden of the northern marches, and the earl of Northumberland, who acted as his deputy, and as lord-lieutenant of Northumberland, Cumberland, and Weſtmoreland. As ſuch, he had engaged to keep the field againſt the Scots from the firſt of May to the eleventh of June this year; for which ſervice he was to receive four thouſand pounds, but with an expreſs proviſo, that he ſhould have a ſtrict eye over the town of Berwic, and the caſtle of Carlisle. This agreement was ratified by Richard on the ſixteenth of May. Notwithſtanding all thoſe precautions, it is certain that, ſoon after this agreement was made, the town of Berwic fell into the hands of the Scots, as the Engliſh ſay, by their bribing the deputy-governor; nor have I any evidence to contradiſt it. This loſs was repreſented at the court of England, by the duke of Lancaſter,

in

Berwic
taken and
re-taken.

A. D. 1384.

in a light so unfavourable for the earl of Northumberland, that, though absent, he was impeached, and condemned for treason; but the execution of the sentence was remitted by Richard. His trial and condemnation undoubtedly was premature; for, without appearing in court, he kept the field, and made dispositions for retaking Berwic. As that town had fallen into the hands of the Scots since the conclusion of the late truce, the earl thought himself at liberty to recover it; and without farther consultation he raised a considerable army, formed a regular siege, and drew out his artillery. The invention of guns was then new to the Scots, and, perhaps, the earl's engineers were not very expert. Add to this, that it was then the middle of winter; so that the siege, if it should continue to any length, must be attended with a considerable expence, both in men and money. All that the earl aimed at, was to clear his honour, by retaking the place; and he offered two thousand marks to the captors, if they would surrender it. They accepted of the terms, and Berwic again returned to the possession of the English.

This transaction is a fresh proof of the irregularity of those borderers. They had taken a town without any authority, during a truce; and they sold it upon the same mercenary principles. Though the earl of Northumberland was a declared enemy to the Scots, yet the en-
mity

The truce
prolonged.

A. D. 1385. mity borne him by the duke of Lancaster rendered him moderate. Having obtained his pardon, he entered into a negotiation with Douglas lord of Galloway, and they met at a place called Salom, on the river of Esk, in March 1385, where the truce was prolonged to the thirteenth of July 1386; but in the intermediate time, they agreed to prepare matters for removing all border differences. The reader is not to suppose that this negotiation was national; it was no more than a compromise between two haughty peers, each affecting independent powers; for Robert and his ministers, at this time, were meditating a most dreadful blow against England.

**The Scots
assisted from
France,**

The death of the earl of Flanders had put his son-in-law, the duke of Burgundy, in possession of his great estate, by which he became, perhaps, the most powerful prince upon the continent of Europe. The inhabitants of Ghent, however, refused him for their master, and were protected by Richard. The duke of Burgundy, provoked at this, proposed to the French court an invasion of England in concert with Scotland, which was agreed to. A fleet was accordingly equipped at Sluys, on board of which John de Vienne, the French admiral, embarked, carrying with him fifty thousand pounds in gold, advanced by the duke of Burgundy, to be distributed in Scotland, where the admiral arrived safe with a considerable reinforcement, besides

Fordon.

sup-

supplies of all kinds of military stores. Robert gave his acquittance for the whole sum, which was distributed in the following proportions. The king of Scotland himself received ten thousand pounds (livres); the cardinal bishop of Glasgow six thousand; the earl of Carric, the king's eldest son, five thousand five hundred; his second son, the earl of Fife, three thousand; his cousin, the earl of Douglas, seven thousand five hundred; the earl of March four thousand; the earl of Murray one thousand; Archibald Douglas, lord of Galloway, five thousand five hundred; James Lindsay two thousand; David Lindsay five hundred; Malcolm Drummond four hundred; Thomas Hay four hundred; William Kierby seven hundred; Henry Douglas three hundred; John Johnston three hundred; William Stewart one hundred; Henry Preston, knight, sixty; Thomas Erskine five hundred; William Lindsay five hundred; William Cunningham five hundred; Robert Grant, Esq. forty; Master Mace Glandaulbin sixty; John Gray ten. The remainder was given, by equal proportions, to John Blaisay, Girert de Bourbon, Eustace Bendenay, John de Fountainer, and Michael de la Froffe, all French knights. Besides those several sums, Robert made a present to the admiral of six thousand pounds, for replacing the horses he had lost in the voyage.

The numbers of the French auxiliaries on this occasion are variously reported. Fordun makes

A. D. 1385.

Rymer,
vol. VII.
p. 484.

A.D. 1385. makes them amount * to eleven hundred, of whom five hundred were men at arms. His continuators and Buchanan say they were two thousand, and that the admiral brought with him four hundred suits of complete armour, to be distributed among the bravest of the Scots knights and officers. This supply carried with it a most generous appearance; but it was afforded upon selfish, interested principles, for the admiral was instructed to mind the affairs of Scotland no more than as they were connected with the views of the French court. The French landed at Leith and Dunbar, and a meeting of the Scots states was held at Edinburgh, where the French admiral produced the magnificent presents he brought from his master to Robert, and the Scotch nobility. The Scots were wonderfully elated at the great attention paid them by the French king; but a sudden revolution of affairs in Flanders disappointed the invasion, which had been planned with equal vigour and foresight.

by whom
they are
abandoned.

A strong fleet of French and Flemings remained still at Sluys, waiting for a fair wind to sail for the south of England, about the time the Scots were to begin their operations in the north. The example of the Ghentois, however, had encouraged Damme, and other towns in Flanders, to revolt; and the duke of Burgundy

* Here Fordun's History ends, but it is continued by Bower, or Bowmaker, and other hands.

persuaded the French king, that it was more proper to employ his army against the Flemings, than against the English; so that the expedition against the latter was entirely laid aside. This left the English at liberty to employ the whole force of their arms against Scotland; and young Richard, who had never before headed an army, took the field with one more powerful than (if we are to believe Walsingham *) England had ever seen before. Robert and his generals were neither intimidated by the great preparations of the English, nor misled by the specious promises of the French. The Scotch army lay encamped near Edinburgh, and the admiral incessantly pressed Robert to give orders for its march; but he excused himself till he should hear of the French landing in England. I am apt to think that, by the original concert, they were to have landed at Milford-haven, as the inhabitants of Wales were at this time ripe for an insurrection against the English government; and very possibly the admiral himself was ignorant of the revolution which had happened in Flanders. His solicitations were so pressing, that Robert at last consented to lend him three thousand of his best troops. His intention was to have marched with them and his French auxiliaries

* He says that the cavalry alone amounted to three hundred thousand; a number so incredible, that I could by no means give it a place in the text.

A. D. 1385. through England into Wales, where he expected to be joined by a large body of natives. It is probable, however, that he concealed his design; for after he had broken into Northumberland, where he reduced several places of no small importance, and made a considerable booty; he disclosed his intentions to Douglas and the other Scotch generals, who treated it as ridiculous, and returned home to the defence of their own country. Polydore Virgil, who wrote the history of England, says, on the contrary, that the admiral and his army were preparing to besiege York, when they heard that the English army had got between them and Scotland; upon which he and his Frenchmen pushed forwards to Wales, where they remained during the rest of the campaign. The Scotch historians give no countenance to this relation, and Fordun's continuator says, that the combined army took Ford, Wark, and Corval, but that the admiral would not agree to their besieging Carlisle, and that they returned with a great booty to Scotland; but with vast difficulty, for the duke of Lancaster had been sent with a strong detachment of the English army to cut off their retreat. Robert remained still encamped with about twenty thousand men near Edinburgh, but greatly out of humour with the French. Those auxiliaries, according to the usual disposition of their nation, had behaved with great insolence; and the admiral had de-
bauched

They invade
England.

baunched a lady of quality, which Robert highly resented. He accused the French court of having deceived him, after having drawn upon him self the whole power of England; and indeed it required no small degree both of courage and conduct, to ward off the destruction with which Scotland was now threatened.

The English fleet was then at sea, under the lord Thomas Piercy, but far inferior in force to that of the French and Flemings; so that it acted only as a squadron of observation, and attended the great army under Richard, who was now marching towards Edinburgh. Robert, mindful of the great Bruce's dying advice, knew it would be worse than madness to venture a decisive battle, to which he was urged by the admiral of France. He therefore retired with the main body of his army across the Forth, while Richard was marching towards Edinburgh. The latter having passed Berwic, found the country of Scotland a desert; and he met with no opposition till he came to Edinburgh, where he burnt a few miserable huts, which then composed that city. Robert, before he retired northwards, had given the command of a body of troops to the lord Douglas and other officers, who harassed the English army to such a degree, that he found a considerable diminution of his numbers, without having gained the smallest advantage, except that of laying the abbey of Melrofs, as well as the town

The English
burn Edin-
burgh,

A.D. 1385. of Edinburgh, in ashes. He had, in imitation of his great grandfather, Edward the second, entered Scotland with amazing parade; and his army had been well supplied by his fleet. Happily for the Scots, he was governed by dissolute minions, who hated the toils, as much as they loved the pomp, of war. These formed a strong confederacy against the duke of Lancaster, who urged him to carry the war across the Forth. It was insinuated to Richard, that the duke gave this advice only to promote his own ambitious views, by putting himself at the head of the army; and they at last taxed him with treasonable practices. Richard had not the spirit to bring either the duke or his accusers to a trial; and the duke still insisted upon the army passing the Forth. Richard's answer was, "I and my army never shall go farther north; you and your's, if you please, may. The duke's reply was, "that he was a subject, and under controul." "That you are not," said Richard, with a cloudy brow, and left the room abruptly.

but are forced to retreat.

Though the behaviour of the Scots, during this expedition, has not been distinguished in history equally with the glory they acquired at Bannockburn, yet their conduct was equally brave and politic. The earls of Douglas, Fife, and March, entered the English marches, burnt Penrith, and carried their ravages to the gates of Newcastle; while the English army under Richard were suffering all the miseries of famine

mine and fatigue, their supplies from the fleet having failed them through the inclemency of the weather. The irruption of the Scots into England gave the earl of Oxford, who was a rising favourite with Richard, an opportunity of remonstrating upon the necessity of returning to defend his English dominions. The duke of Lancaster still insisted upon carrying the war across the Forth; but his perseverance served only to encrease Richard's suspicions; and he evacuated Scotland after losing great numbers of men and horses, without performing the least exploit worthy his amazing and expensive preparations.

Upon the retreat of the English southwards, the Scotch and the French armies reunited, and a council of war was held to deliberate upon the siege of Roxburgh, which was actually formed. The French engineers were chiefly depended upon for the success of the undertaking, and their admiral had the insolence to demand that, if the town was taken, it should be put into his master's hands, to indemnify him for the expences of the campaign. Robert, who before that time, had been heartily exasperated against the French, was so much provoked at this request, that, by the advice of his great men, he ordered the siege to be raised. This is a proof that the king and nobility of Scotland were destitute neither of spirit nor politeness, even towards the French. Robert declined

The Scots
dissatisfied
with the
French.

A. D. 1385. ed punishing their general as he deserved ; but, at the same time, he gave him a proof how much he repented his demand. The French, upon this, prepared for their embarkation; but the Scots demanded payment of the debts they had contracted; and threatened, unless they were satisfied, to cut them off from their ships. All accounts agree, that the behaviour of those auxiliaries, while they were in Scotland, was intolerable ; and I perceive, that the admiral took upon himself the payment of their creditors : upon which, Robert detained him, and some of the chief officers, but contemptuously suffered the common men to return to their own country, about the beginning of the year 1386.

1386.

The mutual necessity which the French and the Scots were under to support each other, prevented their quarrels in Scotland from being attended with any disagreeable consequences. The behaviour of the French court, while their troops lay in Scotland, had been indeed infamous; for, though they were masters of the seas, they made no attempt towards fulfilling their engagements with Robert, who was left to sustain the whole weight of a war which he had undertaken at their request. The French king made the only apology that was in his power for the behaviour of his subjects, by heaping honours upon the Scots who were in his service, and keeping up his friendship with Robert,

Robert, whose troops, after the French were gone, continued to ravage England. At last, a truce was concluded between the earls of Douglas and March for the Scots, and the lord Nevil for the English, which was to last from the twenty-seventh of June, 1386, to the last of May, 1387. This truce accounts for the barrenness of historical matter during its continuance, as the Scotch historians have been too negligent as to civil affairs at this period. We are told, however, that during the truce queen Euphane, Robert's wife, died, and that Robert gave his daughter, Giles, in marriage to William Douglas, who is celebrated for the beauty of his person, and his activity in arms, and created, by Robert, lord Nithsdale.

A. D. 1386.

A fresh
truce.

1387.

No sooner was the truce expired, than the war broke out with fresh fury. The earls of Fife and Douglas ravaged Northumberland and Westmoreland, and the new-created lord Nithsdale defeated a party of three thousand English, of whom two hundred were killed, and five hundred made prisoners. This nobleman, in hopes of rivalling the Bruces and Scotch warriors of former times, formed the plan of a very bold expedition against Ireland. That people, ever since Richard's accession, had been remarkably active against the Scots, and had made several descents on the western parts of the kingdom. This behaviour from a race of men whom the Scots looked upon as brothers, and
who

Ireland in-
vaded by
the Scots,

A.D. 1388. who had so lately recognized one of their royal family as their king, was highly resenting; and Douglas, early in the year 1388, obtained permission to raise a body of troops for a descent upon Ireland. He was joined by the earl of Fife, and they had great success in their invasion. They defeated the Irish militia of Dundalk and Carlingford. They plundered the latter town, and loaded fifteen ships, which they found in its harbour, with their booty. From thence the two noble adventurers set sail for the Isle of Man, then belonging to the Montague family, the profest enemies of the Scots; and having laid it waste, they returned with their spoils to Scotland, where they landed near Loch-Rian. Those successes encouraged Robert to make higher attempts. He called his parliament together at Aberdeen, where a double invasion of England was resolved upon. Two armies were raised; the one, consisting of fifteen thousand men, was commanded by the earls of Fife and Menteith, Douglas lord of Galloway, and Alexander Lindsay; the other army, containing the like number, was commanded by the earls of Douglas, March, Crawford, Murray, the lord high constable of Scotland, and other noblemen. Both armies rendezvoused at Jedburgh, where they parted. That under the earl of Fife entered by the west marches into Cumberland, and that under the earls of Douglas and March fell directly

who lay
England
waste.

rectly into Northumberland, which was laid waste *; and both armies, according to concert, joined within ten miles of Newcastle.

All the north of England was thrown into the most dreadful consternation by this invasion. Newcastle was defended by the earl of Northumberland, whose age and infirmities disabled him from taking the field; but his place was more than supplied by his two sons, Henry and Ralph, the former being well known in the English history by the name of Hotspur, which he obtained from his fiery disposition. The town was garrisoned by the flower of the English nobility and gentry, as well as the inhabitants of the adjacent counties, who had fled thither for refuge. Douglas, to distinguish himself, selected two thousand foot, and three hundred horsemen, out of the two armies, and encamped on the north side of the town, with a view (as the Scots say) of storming it next day. In the mean time, he received a challenge from the Hotspur Piercy, to fight him hand to hand, with sharp ground spears, in view of both armies. Douglas accepted of the challenge. The combatants met. Piercy was unhorsed in the first encounter, and forced to take refuge within the portcullis or gate of the

Battle of
Otterburn,

* This expedition is celebrated in monkish verse, by one Thomas Varoye (or Barry) provost of Rothwell, who lived at the time. (See Mackenzie's Lives of the Scots Writers, vol. I.) A very particular account of it is likewise given by Froissard.

A. D. 1388. town, from whence Douglas brought off Hotspur's lance, with a pennon affixed to it, and swore in his hearing, that he would carry it in triumph to Scotland. Next day, the earl of Douglas ordered the town-ditch to be filled up with hay and faggots, and his men applied their ladders to the walls, to take the place by storm; but there is reason to believe, that he had received a large reinforcement from the main army. His men were beat in their attempt to storm the town, the besieged being far more numerous than the assailants; and in the night-time the latter decamped. Piercy, breathing revenge, pursued them, and overtook them at Otterburn. According to the continuator of Fordun (who tells us, that he was born that very year) the principal division of the Scotch army, under the earl of Fife, had taken a different rout from that under Douglas, who, with the earls of March and Murray, were unarmed, and preparing to sit down to supper, when they had intelligence of the approach of the English. The Scotch army, in an instant, was under arms; but such was their confusion, that the earl of Douglas, in the hurry, forgot his cuirass. Both leaders encouraged their men by the most animating speeches, and both parties waited for the rise of the moon, which happened that night to be unusually bright. The battle being joined upon the moon's appearance, the Scots at first
gave

gave way; but being rallied by Douglas, who fought with a battle-ax, and reinforced by Patrick Hepburn, his son, and his attendants, the English were routed, though greatly superior in number; but the brave earl of Douglas, being mortally wounded, was carried to his tent, where he expired in the morning. His precaution was such, that his misfortune was concealed from his men, who, thinking themselves invincible under his command, totally routed the English, of whom twelve hundred were killed on the spot, and an hundred persons of distinction (among whom were the two Piercies) were made prisoners by Keith, then marshal of Scotland. The chief of the other English were Robert Ogle, Thomas Halberk, John Lilburn, William Wauchlutie, Robert Heron, the baron of Hilton, John Colvil, and Patrick Lovel, knights; whose ransoms brought large sums of money into Scotland.

A. D. 1388.

gained by
the Scots.

Such was the famous battle of Otterburn, which is universally allowed to have been the best fought of any in that age. Froissard, whom I have chiefly followed, had his relation, and a very minute one it is, from two Scotch and two French knights, who were present; but the accounts given of it by Walsingham, and some other English historians, are absurd beyond all belief. We are obliged to Barry*

Loss on
both sides.

* Mackenzie, the Scotch biographer, was so uninformed, as not to know that Barry's poem was published by Bowmaker, the continuator of Fordun.

A. D. 1388. (for all historians have overlooked them) for the names of the brave Scotchmen who fell in this engagement. They were Harte, a knight; John Towers, William Musket (de Monte fixo), Simon Glendonwyn, a young gentleman of the name of Glenstan, and another called Wedderburn. Buchanan, who has given us a particular but elegant account of this battle, says, that the victory was greatly owing to a rising-ground which the Scots got possession of; and that after Douglas was mortally wounded, his body was defended by his priest, who always attended him; that the younger Piercy was wounded; and that of the English eighteen hundred and forty were killed, a thousand wounded, and a thousand and forty taken prisoners; but of the Scots no more were killed than an hundred, and two hundred taken prisoners. The same author acquaints us of a particular which it may not be impertinent to mention here: that the borderers of both nations, when they made a prisoner, always suffered him to depart, upon his pledging his word of honour that he would return by an appointed day; and that, in case of failure, the captor, at the first border-meeting, proclaimed his prisoner's perfidy, by holding up a glove upon the point of a spear; which was accounted to be such a mark of infamy, that no man of honour, not even his nearest relation, would ever after keep him company.

At

At the time that Piercy was pursuing Douglas, the bishop of Durham was marching towards Newcastle with an army of ten thousand men; but was informed by the run-aways of Piercy's defeat, which happened on the twenty-first of July. A council of war being held, the bishop resolved to pursue the Scots, hoping for an easy conquest, tired as they were with the preceding day's battle, and laden with plunder. His army was first perceived by James Lindsay, who had a little before released, upon his word of honour, Redman, the governor of Berwic; but was now taken prisoner in his turn. The earl of Murray, who then commanded in chief, held a consultation to deliberate how to proceed. It was agreed to venture a battle. Their prisoners were almost as numerous as their army; and precedents are to be found in history (in those of England particularly) when prisoners, in like exigencies, were put to the sword. The Scotch generals, with a magnanimity that does honour to their memory and their country, disdained such barbarity, and required no more of their prisoners than their words of honour that they would remain in the camp inactive, and continue prisoners still. This condition being complied with, the Scots drew out their army for battle. Their rear was secured by marshes, and their flanks by large trees which they had felled. Their appearance, which carried no
sign

A. D. 1388.
Retreat of
the bishop
of Durham.

A. D. 1328. sign of fatigue or despondency, struck the English; and they were terrified by the dreadful sounds of the bugle-horns, of which every Scotchman carried one to the field, flung about his neck, and which were multiplied by the neighbouring mountains. In short, the prelate resolved upon a retreat, and returned to Newcastle, while his enemies continued their march to Scotland.

Mutual
honour of
the two
nations.

The English appear to have acted with great honour on this occasion, and the Scots even outdid their former generosity. They dismissed six hundred of their common prisoners without ransom. The lord Ralph Piercy was suffered, on his word of honour, to go to Newcastle to be cured of his wounds; and the remaining prisoners were desired to fix their own ransom, after they were carried to Scotland as evidences of the victorious campaign. So far as we know, no Englishman, on this occasion, forfeited his word; and particular mention is made of Redman, who seeing Lindsay a prisoner at Newcastle, dismissed him without any ransom. The main division of the Scotch army, under Robert earl of Fife *, second son to the king, was in Cumberland when

* He was the sixteenth earl of Fife, and afterwards duke of Albany, and regent. He married the lady Margaret, daughter to the earl of Menteith, in whose right, as heiress of tailzie, of the earldom of Fife, and by the disposition made to him by the countess, he got it.

they

they heard of the death of Douglas, which embittered all their joy for their fortunate expedition; so that they appeared as if they had been defeated. Douglas undoubtedly was one of the greatest men of that age. He is said, by the writers of the Scotch Peerage, to have been married to one of Robert's daughters; but dying without issue, he was succeeded by his brother Archibald, called, from his swarthy complexion, the Grim. By this time, Robert's age and infirmities had disabled him from the management of affairs, the weight of which fell upon his son, the earl of Fife; his eldest son being by nature indolent, and lame by an unlucky blow he received from an horse. The earl answered all the expectations the Scots had conceived from his valour and activity. His descent upon Ireland renders it very probable, that he was in hopes of that crown; but he now found full employment at home. The earl-marshal of England had been named by Richard his warden of the Scotch marches; and the histories of both kingdoms mention, but without giving us any particulars (from which we may conclude it was of very little consequence) of an irruption made this year by the English into Scotland. We learn, with more certainty, from records, that after the earls of Fife and Douglas returned from their Irish expedition, and while the English parliament was sitting, the bishop of Durham, the earl

A.D. 1322.

Rymor,

A. D. 1382. earl of Northumberland, the lord Nevil, Sir Brian Stapleton, and one doctor Rowhall, were charged with a commission to make a final peace with the Scots; but the negociation had no effect. Mowbray, earl-marshal of England, had succeeded the earl of Northumberland as warden of the Scotch marches; and being a proud, weak, man, he insulted the friends of the former wardens for having been so often beaten by the Scots. This coming to the knowledge of the latter, they renewed hostilities against England with double fury; so that the vain-glorious warden, after being repeatedly beaten in the field, maintained himself, with great difficulty, upon the defensive.

The earl of
Fife in-
vades Eng-
land.

1389.

The earl of Fife, who had, at this time, all the executive power of government in his own hands, sought to raise his reputation by his valour. Early in the spring of the year 1389, he raised an army, with which he insulted that commanded by the English warden, who entrenched himself, while the Scots plundered the adjacent country. By this time, the duke of Lancaster had terminated his affairs in Spain and Portugal to great advantage. Though he had resigned all his claims upon the crown of Castile, yet he married his eldest daughter, whom he had by the heiress of Peter the Cruel, the legitimate king of Castile, to prince Henry, the regnant king, and received immense pecuniary considerations besides, for his and his wife's

wife's renunciations, having before this married A.D. 1389. another daughter to the king of Portugal. Upon the duke's return out of Spain, he was, by his nephew, the king of England, appointed his lieutenant-governor of Guienne; and the duke wisely made use of all his power and credit at the English court to bring about a peace, which might secure to his sons-in-law and himself the uninterrupted enjoyment of their dominions, which always was liable to be broke into by the differences between France and England. On the sixteenth of November the preceding year, some overtures for peace had been made; and the conferences being continued from time to time, a truce was at last agreed to in the church of Lelinghan, a place lying between Calais and Boulogne. This truce was to last from the nineteenth of June, 1389, when the treaty was concluded, to the sixteenth of August, 1392; and the allies of both crowns had the liberty of being included in it. Those on the part of France were the kings of the Romans and Scotland, Arragon, and Navarre; the earl of March in Scotland, the Isle of Man, the dukes of Brabant, and the republic of Genoa. The allies on the part of England were the kings of the Romans, Portugal, and Arragon; the earl of Salisbury, the lordship of Man, the duke of Gueldres, John lord of the Isles, and the republic of Genoa.

A truce.

A.D. 1389.
which com-
prehends
two sub-
jects.

The comprehension of the earls of Salisbury and March, as allies to two sovereign powers, must have been occasioned by the contest between them concerning the Isle of Man; and other lands lying upon the borders, which were in debate between the two kingdoms. Large tracts of country were under this uncertainty; for though no dispute might be as to the immediate possession, yet great contests often arose with regard to the kingdom to which they belonged. In such a situation, neither of those noblemen could be said to have had an immediate superior for part of their estates; and therefore both of them were very properly comprehended in the truce, till their differences could be settled by a general peace. As to the lord of the Isles, he and his predecessors, as we have often seen, always affected an independency upon the crown of Scotland, in which they had been encouraged by the English government; and Richard had entered, in 1388, into a treaty with the reigning lord, through the agency of the bishop of the Isles. This was highly affronting to the crown and people of Scotland. The king considered that lord as his subject, and the nobles as their peer, or perhaps in an inferior capacity. When the terms of the truce, therefore, came to be made public, they met with a strong opposition in parliament, though the aged and infirm Robert sufficiently intimated his inclination to peace.

Aber-

Rymer.

Abercromby is in a violent passion with Buchanan, for saying that Robert "was able to make neither peace nor war, but by the public advice of the states; neither could he promise any firm truce, without their decree in the case." He thinks that this is a notorious falsehood, and gives no other reason for his opinion, but that the kings of Scotland, in those days, were despotic; for the whole of his argument upon the head amounts to no more. He adds, that the parliament was willing to agree to the truce; but that it was opposed by the army. This argument of Abercromby's rests entirely on words, and is scarcely worth a serious refutation; for that Buchanan is materially right, and that the Scotch noblemen of those days knew the true principles of liberty, can be a doubt with none who has read their letter to the pope, which I have exhibited in the life of Robert the first. Such a set of men never could think themselves precluded from giving their advice, by any arbitrary claim of the crown; and we find, in fact, that their kings consulted them as their great council, (for a parliament is such) in all affairs of moment. As to the distinction between the parliament and the army, it is merely nugatory, because the members of the former composed the heads of the latter.

Upon the whole, there is no reason to doubt that the Scotch nobility thought their king was

A.-D. 1389,
Refutation
of Aber-
cromby.

Jealousy of
the Scots.

A. D. 1389. too much under French influence ; and that his favourite ally made use of the friendship of the Scots only to serve his own ends. They knew that such a truce was equally convenient for France as England. Their own army was numerous, full of spirits, victorious, and well disciplined, and ready at a moment's warning to have invaded England, which was in no condition to face them. Their opposition, in short, to the truce was such, that the court of France thought proper to send over ambassadors to persuade them to compliance ; and if they should fail, to inform the chief nobility, that they were to expect no assistance from the continent, either of men or money. Upon their arrival in Scotland, they found part of their business done to their hands. The great noblemen, from affection and compassion for their aged king, began to relish the proposition for a truce, which was to give some respite to their country ; and, more than probably, some of them were influenced by the pecuniary arguments, which the ambassadors were empowered to employ. Upon their arrival at the camp, however, they found it in such a combustion, that nothing but that reverential awe, which the ancient Scots always entertained for their superiors, could have prevented them from being insulted. The nobility, to convince the ambassadors of the excellent state of the Scotch army,

as well as their own power over their inferiors, A. D. 1389. ordered it to be drawn out before them; and the countenance of the soldiery was such as convinced them of the difficulty of obliging them to agree to the truce. They harangued them in the most soothing manner; but the common men still insisting upon their not losing the fruits of the campaign, their chieftains took up the argument, and with some difficulty prevailed upon them to lay down their arms, by threatening to abandon them to their own leading. It is uncertain whether Robert and his son, the earl of Fife, were present on this occasion. It is probable they were, and that their presence contributed greatly to preserve the public tranquillity. Robert having sworn to the truce, sent Henry Douglas and Adam Glendunning, as his plenipotentiaries, to Richard; and they received his oath of observation on the twenty-seventh of September.

Rymer.

Scarcely was this truce finished, when the peace of the nation was most sacrilegiously violated by Robert's second son, the earl of Buchan, who, upon a quarrel with the bishop of Murray, burnt down that fine cathedral, which our historians have called the lanthorn and ornament of the north of Scotland. The earl's presumption was such, that he appeared in his father's presence after this atrocious crime; but Robert, old as he was, ordered him to be apprehended and strictly imprisoned. A civil war would have

*Interfection
by the earl
of Buchan.*

A. D. 1390. have been the consequence, had the earl of Fife exerted his authority on the occasion ; but the veneration the people entertained for their aged monarch, preserved every thing quiet. **Death** This was the last act of Robert's reign ; for he died soon after, at his castle of Dundonald, in the seventy-fourth, or seventy-fifth, year of his age, and the nineteenth of his reign, on the nineteenth of April 1390.

and character of Robert.

Robert's qualities, as a king and a general, were rather of the solid than the splendid kind. In his youth he had acted, as we have already seen, with great spirit and courage ; but he was sometimes so much under the influence of others, that he lost sight of the public good, and the national independency. He soon, however, acquired proper notions of both, and ever after acted with great firmness and patriotism. That he must have been a man of parts, appears evidently, by his maintaining himself with credit and dignity under the frowns of his uncle David, and by his peaceable accession to the throne: I have already observed, that the retreat he made from the battle of Durham, which occasioned David's displeasure, saved his country from irretrievable ruin ; and it was chiefly owing to his firmness, that, during the latter years of that prince's reign, Scotland did not become a province either to France or England. Buchanan says, that some charged him with cowardice ; but I believe this charge is no more than the malicious

malicious insinuation of Buchanan himself, from his carrying on war by his generals. He was fifty-seven years of age before he mounted the throne, and he was seventy before any declared war broke out between his crown and that of England. What opportunity then had he to display his personal valour? Buchanan, after all, has given him a place amongst the wisest and best of kings. It is plain, that he was an excellent judge of mankind, by his always employing generals who returned victorious from the field, and re-established the military glories of their country. His negotiations were conducted with equal abilities and success; and, indeed, during his uncle's exile and captivity, as well as during his own reign, neither the intricacies of state, nor the events of war, ever diverted his attention from the true honour and interests of his country. In his private character he was irreproachable, excepting as to the frequency and variety of his amours, which, for some time, threw a cloud, which is not now entirely dispersed, upon the history of his accession. His justice was so exemplary, that before he removed from one place to another, he ordered proclamation for all the inhabitants and country people, to be indemnified for what was owing them by himself or attendants. His delicacy, in this respect, reached to an extraordinary length; for he ordered compensation to be made to the abbey of Scone, for the corn that

A.D. 1390. that had been trod down by the people who resorted to his coronation. I cannot close his character better, than by the words of Buchanan, who was far from being a friend either to his person or family; "All say, that he was a very good man, and in the arts of peace comparable with the best of kings. He administered justice diligently and impartially to all; he severely punished robberies. In his actions he was constant; in his words faithful. He came to the government in troublesome times, yet he settled things at home, appeased discords, and governed with great equity and justice; and he obtained such conquests over his enemies, that he reduced all the castles they had, except three."

The issue of Robert, by his first wife, were his successor, John earl of Carric, whose legitimacy I have sufficiently vindicated: Walter earl of Fife, who, according to Abercromby, became such by marrying Isabel Macduff, or, as she is called in some records, Isabel de Fife, daughter and sole heir of Duncan earl of Fife; but, according to the same author, that prince died young. This marriage seems not to have been clearly made out. Sir Robert Sibbald mentions an indenture dated 1371, by which it evidently appears that this lady's first husband was not the son, but grandson of Robert the second, and son to his second son, Robert earl of Fife and Menteith, who married the lady Margaret, daughter

daughter to the earl of Menteith, in whose right, as heiress of tailzie of the earldom of Fife, and by the disposition made to him by the countess Isabel, he got it. Robert's third son was Alexander of Badenoch, earl of Buchan, who afterwards came to be earl of Ross, in right of his wife Euphane, daughter to William earl of Ross. His daughters were, first, Margery, who married John Dunbar, son to the earl of March; second, Jane, who was first married to Sir John Lyon of Glamis, lineal ancestor to the present earl of Strathmore, and afterwards to James Sandilands of Calder; third, Elizabeth, married to David, the son of Sir Thomas Hay of Errol, the ancestor of the present earl of that title *, and hereditary lord high-constable of Scotland; fourth, Margaret, married to John of Yla, lord of the Isles; fifth, Giles, married to the brave William Douglas, lord of Nithsdale. Besides those daughters, Abercromby mentions one by his first marriage, who was the wife of David Lindsay of Glenesk, afterwards earl of Crawford.

Robert's children, by his second wife Euphane Ross, were David earl of Strathern, Walter earl of Athol, and Euphane, the wife, first, of the earl of Douglas; and then, of Sir James Edmondston. The reader may consult the notes, as to this

* I believe (says Abercromby) she was her father's eldest daughter, because, by a charter still extant, it appears that her father was but earl of Strathern, when she was married.

A. D. 1390. prince's natural issue *. Before I close this part of Robert's history, I shall just mention a pretty extraordinary record published by Mr. Anderson, dated at Perth 1375, between Euphane and David, count palatine of Strathern, and earl of Caithness, on the one part; and Alexander de Moravia, or Murray, of Drumfergorth, on the other. By this indenture, Murray is to marry the queen's sister, the lady Jannet of Monimusk; and her majesty and the earl engaged to assist him in recovering his birth-right, by taking the opinions of lawyers, upon their own proper charges and expences. The queen likewise engages to maintain her sister for one or two years; and it is farther agreed, that Walter Murray, brother of the said Alexander, might, if he so pleased, marry the eldest daughter of the said lady Jannet. I mention this record, as it seems to intimate that the queens of

* "His natural issue, I suppose by his beloved mistress More, or Moram, (for such a mistress he certainly had) were, first, Sir John Stewart, sheriff of Bute, commonly called the Black Stewart; second, another Sir John Stewart of Dundonald, commonly called the Red Stewart; third, Thomas, elected bishop of St. Andrew's. Those by Marion de Cardney, another of his mistresses, were, first, John Stewart of Kinclevin; second, James Stewart of Kinfauns; third, Alexander Stewart of Lunan. That he had all these children I have mentioned, is evident from unquestionable charters; some of which Mr. Crawford has cited; and I would have cited others to the same purpose, had I thought it necessary. Perhaps he might have had more; for, as I have said, his foible inclined him to love; a passion which saints have had much ado to conquer, and by which heroes have often been conquered," [See Abercromby, vol. II. p. 198.]

Scotland,

Scotland, like those of England, had formerly a revenue appropriated to themselves. If I mistake not, the birth-right here mentioned, as claimed by Drumfergorth, related either to the earldom of Strathern, or to the estate of Bothwell, as he was a descendant of the regent Murray. Mr. Anderson has engraved the device of Robert the second, which was a coronet pointed, with two rows of glittering stars, and placed over a terrestrial globe. The words, *Vanitas vanitatum, et omnia vanitas*. He seems to have been the first of the Scotch kings who made use of those kind of emblems, but they were continued by his successors.

The name of John being, in this age, thought unfortunate for a king, the succeeding prince changed it for the more auspicious one of Robert; but he was still called, by the commonalty, Robert John Fernzier. He had for some years lived in retirement, having been disabled from active life by a stroke which he is said to have received from the horse of Sir James Douglas of Dalkeith. He had, when young, commanded armies, and negotiated treaties, as we have already seen, with credit and success; and he had married Annabel, daughter of Sir John Drummond, ancestor to the noble family of Perth. He was crowned at Scone on the 13th of August 1390, together with his queen. Among the first acts of his government was his confirming the late truce, which had been made

Robert the
third

A. D. 1390. with England, and his giving audience to William de Cautiers, and Edward de Broil, who were sent by Charles the sixth of France to renew the antient league between the two nations. They found Robert at Edinburgh, where they were honourably received; and on the first of December, he ratified the league in that castle. Robert being still disabled, by his infirmity, from managing his own affairs in person, was obliged to entrust them to his brother the earl of Fife. Abercromby has denied that that prince acted as guardian of the kingdom till many years after; but nothing can be more certain from records, than that he was styled, in the last year of his father's reign, *custos regni*, guardian of the kingdom. That the earl of Fife has not the same designation in the deeds of this reign, is equally certain; and therefore I am inclined to believe that he only acted as his brother's first minister.

renews the
league with
France.

Vide Ander-
son's Selec-
tus.

Adventures
and death of
the earl of
Nithsdale.

Buchanan.

We are told that, towards the beginning of this, or at the end of the last reign, William Douglas, earl of Nithsdale, having undertaken an expedition against the infidels, went to Prussia; that is, he joined himself with the knights of the Teutonic order, who had conquered that country, where he was made admiral of their fleet. The conferring on him this honour is said to have been a disappointment to the English lord Clifford, who sent Douglas a challenge, but contrived, in the mean time, to have

have him treacherously murdered. This earl of Nithsdale had obtained his fame by the warlike achievements he performed in Germany, and was the same to whom the late king Robert gave his daughter Giles in marriage, notwithstanding his illegitimacy, on account of his being the most hardy knight in Europe.

The tranquillity of Scotland was disturbed at this time by a prince of the royal family, Duncan Stuart, son to Alexander earl of Buchan, who had died in prison, where his father had confined him for burning the cathedral of Murray. This nobleman, whom Buchanan very properly calls the fiercer son of a fierce father, assembling his followers, under pretence of revenging his father's death, invaded Angus, which they laid waste, partly through brutality, and partly for plunder. Walter Ogilvy, the sheriff of Angus, and his brother Walter Leighton, endeavoured to repel the invaders; but were killed, with sixty of their followers, and the rebels remained masters of the field. The king gave a commission to the earl of Crawford to suppress them, which he soon did, at the head of an army; and most of them were either killed or executed. This insurrection was owing to the disability of Robert to manage his affairs in his own person. Whatever Buchanan, or writers of his principles, may pretend, the Scots of those days had a most inviolable attachment to the person and family of their kings, not from any
ridiculous

A.D. 1392.

New
troubles in
Scotland.
Fordon.

1392.

A. D. 1391. ridiculous notions they had of their divine hereditary right to their crown, but because, ever since the reign of Robert the first, they had seen the glorious struggles they had made for national liberty, without breaking in upon the constitution, or committing any of those acts of regal violence, which, to this day, dishonour the annals of their neighbouring kingdoms. Their regard for their king, however it might preserve them from actual rebellion, did not prevent them from prosecuting their family-animosities, or, as they are called, feuds; and it must be owned, that they were far from having the same regard for the king's authority as they had for his person, for they paid very little deference to his lieutenants. Thus all Scotland, at this time, was over-run with family-insurrections, in which great bloodshed sometimes happened, each family having a kind of league offensive and defensive, with others in the neighbourhood. It may be here proper to observe, that the followers of the earl of Buchan were composed of the wildest of all the Highlanders, and were stigmatized with the terms of Catterenes, which answers to that of banditti. That such a race of men existed, is certain from the records and history of Scotland; but it is not so easy to account how they received their subsistence, as they were void of all knowledge of agriculture, or the civil arts of life. There is some reason to believe, that many of them came from
from

from the western islands; and that they, or their ancestors, had emigrated from the eastern parts of Ireland. The lands they inhabited were never cultivated till towards the middle of the last century; and, according to the most authentic accounts we have, they lived upon the blood of cattle, and other animal food, of which they had plenty; but I am far from agreeing to all the idle traditions reported on that head.

A. D. 1392.

On the sixteenth of August 1392, the truce of Leshinghan was prolonged to the twenty-ninth of September 1394, and afterwards to Michaelmas 1398. The state of Richard's affairs, at this time, would have induced him to have entered into nearer connections with Scotland, by a family-alliance; but none such could be formed, and therefore he turned his eyes to France, where he was espoused to the princess Isabella, that king's daughter, though she was an infant. The king of Scotland was comprized in all the treaties between him and France, as an ally to the latter, as John of the Isles continued to be to the former.

The truce prolonged.

Such being the state of foreign affairs, the history of domestic feuds becomes now that of Scotland. The earl of Crawford's success against the Cattarenes, under the earl of Buchan, encouraged Robert to entrust him (Buchanan says his son) with a commission for subduing other insurgents, who were then disturbing the peace of the country. Particular mention is made of

Its intestine broils.

two

A. D. 1396. two Highland tribes, the one called the Clan Chattan, and the other the Clan Kay. They were numerous, brave, and barbarous, and the earl of Crawford was not without his apprehensions, that should he attempt to suppress them by force, they might both unite against him, and thereby occasion a great deal of bloodshed, if not defeat him. After some consideration, he and Thomas Dunbar, earl of Murray, who was joined with him in the commission, resolved to have recourse to policy; and, under pretence that they were unable to reconcile their differences, they proposed a method by which they might be terminated. This was by thirty, on each side, entering themselves as champions for their respective clans, and deciding their differences by the sword, without being allowed any other weapon. This proposal, which was entirely according to the spirit of the feudal-law, was agreed to on both sides. The king and his nobility were to be spectators of the combat. The conquered clan were to be pardoned for all their former offences, and the conquerors honoured with the royal favour. The north-inch of Perth, a level spot, so called from being partly surrounded by water, was to be the scene of action; but, upon the mustering the combatants, it was found that one of them, belonging to the clan Chattan, had absented himself through fear, and could not be found. It was proposed to balance the difference, by
with-

withdrawing one of the clan Kay ; but none of them could be prevailed upon to resign the honour and danger of the combat. After various other expedients failing, one Henry Wynd, a fadler, though no way connected with either clan, offered to supply the place of the absentee, upon his receiving a French crown of gold (about the value of seven shillings and six-pence) which was accordingly paid him. The encounter was maintained on both sides with inconceivable fury ; but, at length, by the superior valour, strength, and skill, of Henry Wynd, victory declared herself for the Clan Chattan. Of them no more than ten, besides Wynd, were left alive, and all dangerously wounded. The combatants of the clan Kay were all cut off, excepting one, who remained unhurt, threw himself into the Tay, and escaped to the opposite bank. I have been the more minute in describing this singular combat, as it may give the reader some idea of the character of the antient clans, and the desperate manner in which they engaged in their feudal disputes.

A. D. 1396.

Battle of
two clans.

Though Robert as well as Richard was, at this time, well disposed towards peace, yet the late truce was but ill observed. On the second of October new conferences were begun at Dumfermling, between Mr. John Shepeye and Sir William Elmham, commissioners for England ; and Sir William Stewart of Jedburgh,

1397.

Rymer.

A treaty.

A.D. 1397. Sir John de Ramorgny, Adam Forrester, and Patrick de Lumely, commissioners for Robert, who, I perceive by the records at this time, gave Richard no other title than that of his adversary of England. The result of their conferences were, "That on Monday the tenth of March next to come, prince David earl of Carric, the king's eldest son, and with him a bishop, an earl, a baron, two clerks, two batchelors, and an esquire, should meet with John duke of Guienne and Lancafter, the king of England's uncle, who also should be attended by a bishop, an earl, a baron, two clerks, two batchelors, and an esquire: That the congress should be kept at Redenburn, Carham, or Handenstank; and that in an amicable manner they should endeavour to compose differences, and to repair all breaches of the truce concluded at Lelinghen in 1388, and of all others that had been agreed to since that time."

No good reason can be assigned why the Scotch administration, at this juncture, suffered Robert to give Richard no higher title than that of his adversary of England, as the latter, by this time, had dropped all his family-pretensions to the crown of Scotland, which his grandfather had claimed through Baliol's resignation, and in his writs designed Robert king of Scotland. They did it, perhaps, by way of retaliation, or in compliment to the French court. Be this as it may, we know, that in
March

March 1398, David earl of Carric, the prince of Scotland, the earl of Fife, Walter bishop of St. Andrew's, David lord Lindsay, and others, met with John duke of Aquitain and Lancaster (the same who is called John of Gaunt) John bishop of St. Asaph, Thomas Piercy earl of Worcester, and William Scrope earl of Wilts, at Handenstank, where they prolonged the truce to 1399, and made several regulations with regard to the borders. It was particularly ordered, that all prisoners on both sides, taken since the conclusion of the truce at Lelinghen, should be released without ransom; because the captors on both sides thought that the ransom of prisoners were their own property.

It is to this period that we are to refer the first introduction of the ducal title into Scotland. It was then common in France and England, but Robert was not lavish of it upon his subjects. In October this year, we find the prince-royal, who was hitherto called earl of Carric, designed duke of Rothesay, (the Scots having at that time a tradition, that this was the first castle which their ancestors possessed in the western parts;) and the earl of Fife was created duke of Albany, which is the general name for the country held by the Guidels, or ancient Caledonians; or, according to others, the old name of Scotland itself.

Dukes first created in Scotland.

The late renewal of the truce having little or no effect, through the backwardness of both

A new treaty.

parties

A.D. 1398. parties to deliver up their prisoners without ransom, a new congress was held in October by the commissioners of both kingdoms. Those for the high and mighty prince Robert, king of Scotland (as he is called in the record) were Sir William Borthwic, Sir John Ramorgny, and Adam Forrester, Esq. It appears as if a good correspondence between the two nations had been now entirely re-established; for in this new commission Robert styles Richard the high and mighty prince likewise; and his commissioners were Sir John Buffy, Sir Henry Green, and Laurence Drew, Esq; who agreed on the twenty-sixth of October, "First, That, conformably to the late treaty concluded by the dukes of Rothesay and Lancaster, all prisoners should be set at liberty by Hallowday next. Secondly, That Adam de Gordon, William the Bard, and Adam Franch, being notorious truce-breakers, should appear at the next day appointed for the meeting of the great commissaries of both realms, under the penalty of three thousand pounds. Thirdly, That in regard a great many Scotsmen born had settled themselves on the marches of England, and had sworn fealty to the crown of England; and in the like manner, a great many Englishmen born had settled themselves on the marches of Scotland, and had sworn fealty to the crown of Scotland; and that both these were notoriously known to be the principal authors of
all

all the disturbances that happened in those parts, it was ordained, that the Scotsmen born should remove to the south side of the river Tyne, and the English as far north as the town of Edinburgh. Fourthly, That the duke of Rothefay, or some other great lord of the blood of the king of Scotland, and the duke of Lancaster, or some other great lord of the blood of the king of England, should again meet, at such time and place as both kings should think fit, to the performance of these articles."

A custom at this time prevailed, which seems to have taken rise from the unruliness of the borderers; I mean, that of each party, upon the conclusion of a truce, naming cautioners, which, in the border terms, are called Borrowis (an old English term, signifying a surety) who undertook to put it into execution. Those cautioners were not hostages, but acted in the nature of conservators of the peace, and a kind of attornies, for their fellow-subjects, in all matters that came under the cognizance of border-law. Those for the earl of March, who was the Scotch warden, were Sir Richard Rutherford, Sir William Stuart, Thomas Turnbull, and Robert Lawder. The borrowis for the English warden were Sir Henry Piercy, eldest son to the earl of Northumberland; Gray of Horton, Robert Umfreville, and others. A difference at this time happened between the two courts, on account of the capture of a
Scotch

Cautioners
introduced
between the
two king-
doms.

A. D. 1398. Scotch ship, on board of which were some gentlemen of distinction (particularly Sir John Hamilton of Cadyew, ancestor to the present duke of Hamilton;) but upon complaint of their attornies, the gentlemen were immediately set at liberty, the ship restored, and the damages made good.

Fresh
brials.

It must be acknowledged, that the state of tranquillity which had been established on the borders was far from being agreeable to a people used to subsist on plunder; nor were the heads of the great family of Douglas fond of the new connections which Robert's court had formed with that of Richard. They particularly disliked the new title of duke which had been introduced; and when it was offered to the chief of their family, he rejected it with disdain. They never had lost sight of an ancient claim they had upon the castle of Roxburgh, which was still in possession of the English; and this year the son of the earl of Douglas, Sir William Stuart, and others, broke down the bridge of Roxburgh, plundered the town, and destroyed the forage and corn there and in the neighbouring country. Sir Philip Stanley, the English governor of Roxburgh, complained of those violences, and the offenders were called upon to answer for their conduct. Sir William Stuart appeared, and in some measure justified great part of what had been done; because, as he alledged, the town

town and castle of Roxburgh, and its appurtenances, were the heritage of Scotsmen. As to the plundering of the town, he said, it had been done by the soldiers against the intention of their leaders; but that being ignorant of points of right, he referred himself to the lords commissioners; and he believed his master, the earl of Douglas, would not refuse to make good the damages done by his men. The revolution, in which the earl of Northumberland was deeply engaged, and which was then forming in England against Richard, employed the attention of the lords commissioners too much for them to prosecute this affair, as they undoubtedly would have done at any other time; for we know of no reparation the English subjects obtained.

A. D. 1398.

While those matters were discussing in the east borders, a negotiation was on foot for the west. Sir William Borthwic and Roger Gordon, Esq; as commissioners from Robert, met those from Richard at Lochmabaston, where they agreed upon the same terms that had been settled for the eastern marches. Sir John Skelton was the English warden, and the earl of Douglas the Scotch; and an equal number of borrowis were named for both. Those for the Scots were Sir John Johnston, Sir John Carlel, Sir William Stuart of Castlemilk, John of Carruthers, Nichol Little, Alexander Armstrong, and others. Those meetings and agreements
being

Revolution
in England.

A.D. 1398.
Rymer,
vol. VIII.

being still insufficient for securing the peace of the borders, the dukes of Rothesay and Lancaster had another meeting, in which they prolonged the truce to Michaelmas 1399, in the presence of Sir John Hamilton and Adam Forrester. Richard being every day in expectation of an universal insurrection against his person and government, courted the friendship of the Scots, at this time, even to abjection. He ordered his ambassadors, if possible, to conclude a perpetual treaty of peace with Scotland; and, if that was refused, to press the Scots to accede to the truce that subsisted between him and his father of France; and if that proposal was likewise rejected, that they might be prevailed upon to prolong the truce for a certain number of years. As this negotiation went through the hands of the duke of Lancaster, father to the prince who soon after mounted the throne of England, we are not to be surprised that it had no effect; for the revolution took place, and Richard was dethroned in a manner foreign to this history. It is sufficient to say, that though Richard had given the people of England vast provocations, yet the trade of England made a surprising progress under him; and that the commons, properly speaking, acquired, in his reign, riches and importance, to which they had always before been strangers. This rendered them impatient under the yoke of the barons, who were equally disagreeable to

to Richard; and they enabled him to destroy the greatest and most popular noblemen in his dominions. After this, Richard, who had all the advantages of a fine figure and graceful address, besides his being the son and grandson of their two beloved princes, might have set himself above the laws, which he undoubtedly intended to have done, had not the commons of England found themselves in a more miserable situation under his worthless favourites, than they had ever been under their own proud barons. They therefore joined the latter against him; and John of Ghent, the old duke of Lancaster, dying at the crisis of the revolution, his son succeeded Richard, under the title of Henry the Fourth.

The Scotch patriots of those days, and long before, thought it a capital point of their duty to take advantage of all the distresses of the English; nor in this can they be blamed, when the provocations they received are considered. This was the true reason why all the advances of Richard and his government for a definitive peace, or a long truce with the Scots, were disregarded; and no sooner did they hear of Richard's catastrophe, than they resolved to avail themselves of the juncture, the term of the late truce being now expired. While the parliament which had deposed Edward was sitting, the Scots invaded England, took and demolished the castle of Wark, and laid

The war renewed.

A.D. 1398. the neighbouring country under contribution. The name of the Scotch general in this expedition has not come to our hands. All we know is, that Sir Thomas Gray was then governor of Wark; and, at the time the castle was retaken, absent on his duty in parliament. The situation of Henry's affairs did not admit his shewing a suitable resentment at this insult. All he did was to nominate his brother, the earl of Westmoreland, if possible, to treat with the Scots about a peace, or a truce; and if that could not be obtained, to make a mutual agreement, that the towns of Dumfries in Scotland, and Penrith in England, should be free from hostilities during the war. The Scots paid no regard to this proposal; and being encouraged by the court of France, who resented Richard's deposition, they renewed their ravages in England. The earl of Westmoreland's negotiation, in the mean time, was not wholly laid aside; for I find, that towards the latter end of the year, Sir Thomas Gray, Allan of Newark, and Jerico d'Artois, had a commission from Henry to continue the conferences.

Rymer,
ibid.
p. 113.

Danger of
the English,

1400.

The invasions of the Scots, and their depredations in England still continuing, Henry summoned his council in the beginning of the year 1400, to deliberate upon the means of repelling the invasion, and providing against a war with France. This council was composed of the lords spiritual and temporal, who thought
it

A. D. 1400.

it improper, in the then situation of affairs, to summon a parliament; and resolved to take the war upon themselves, according to a rated proportion, for at least a quarter of a year. The earls of Northumberland and Westmoreland undertook each for ninety men at arms, and twenty archers; and the other noblemen, according to their respective abilities. I mention those particulars, to prove the danger in which the English government thought their nation, at that period, from the inroads of the Scots, as they durst not venture to wait for the regular assembling of a parliament. Unhappily for the Scots, they were miserably divided, at this time, among themselves; and they could not unite so as to make an effectual advantage of the situation of Henry's government, to which they were invited by every circumstance. During their late truces, they had cultivated a correspondence with England; and we are told by their historians, without being contradicted by the English, that there was an intercourse of visits between the two nations, chiefly to display the abilities of their subjects in chivalry. The earl of Crawford, the most renowned of the Scotch knights, now that the earl of Nithsdale was no more, tilted with the lord Wells of England, upon or near the bridge of London, and sat so firm in his seat, that the spectators called out, " he was locked in his saddle." The earl, upon this, nimbly

and divisions
of the Scots.

A. D. 1400. vaulted from his steed, and remounting him, unhorsed his antagonist. The reputation which this atchievement brought to Scotch chivalry was so great, that the earl of Crawford, on his return home, laid a fund for seven priests to sing for him in the Virgin Mary's church at Dundee, to the honour of St. George, because on his day he had obtained his victory over the lord Wells. I omit many other circumstances recorded by historians of both nations, at the same time, in honour of the Scotch nation.

Aber-
cromby.

Their
equality
with the
English.

The histories and archives of England are much better evidences than those that have been preserved in Scotland to prove, that during this and the late reign, the Scots had been perpetually labouring to be put on the same footing with the English in every respect. They attained it with regard to their independency. They more than attained it in military exploits; and nothing but their unhappy divisions could, at this critical juncture, have prevented their resuming all the importance they had in the most shining period of their history, even to the recovering the ancient heritage of their princes in England. Their king, it is true, was weak and infirm, but he was tractable; he had excellent generals, and his brother, the duke of Albany, who is said to have been then replaced in his post of regent, had shewn abilities sufficient to qualify him for that great employment. But those advantages were all sported away by civil dissensions.

Henry the fourth of England, like his predecessors, had acknowledged the earl of Ross for his ally; and he and his brother John had paid a visit to England, with an hundred horse in their retinue. Even this was a favourable circumstance for the Scotch government, as nothing could give their nobility greater disgust at the English, than their encouraging and patronizing that rebel. The weakness of the heads of the royal family threw away all the benefit that might have been derived to themselves and their subjects by so favourable a concurrence of circumstances. I suspect, indeed, that the duke of Albany, and the other leading noblemen of Scotland, had, at that time, left the king very little more than a nominal authority in his own dominions; and that both he and the duke of Rothesay, whose education had been neglected, were just furnished with the means of gratifying themselves in an indolent, and, for that age, luxurious, course of life. That duke, the heir apparent of the crown, was now grown up to man's estate; and his father is said to have put up his marriage at auction to the best price. The earl of March was the highest bidder for his daughter, and advanced a considerable sum in ready money, on condition of her becoming the royal bride. A secret jealousy had long subsisted between his family and that of Douglas; but the merits of the latter, with regard

A. D. 1400.
Rymer,
ibid,
p. 146.
Mercenary
conduct of
the Scotch
court.

A. D. 1400. to Scotland, infinitely preponderated those of the former, whose ancestors had often sided with the kings of England, to whom, I am inclined to believe, they owed their rise. Douglas, disdaining at once the mercenary views of the marriage, and that his rival's family should be preferred in the royal nuptials, very properly opposed so fordid a match, and insisted upon the states of Scotland being consulted in an affair that was so intimately connected with the honour and welfare of their country. Thus far the conduct of Douglas was specious and patriotic; but it soon appeared, that it was not quite so disinterested as he pretended. He had himself a daughter, the lady Margery Douglas, whom he wanted to prefer to his prince's bed. So degenerated was the court of Scotland, at this time, that neither the king nor the duke of Rothesay opposed the proposal of a new match, because it was to be purchased with a fresh sum; and they even refused to indemnify the earl of March for the money he had already advanced.

Revolt of
the earl of
March,

The duke of Albany, though a royal, was an interested, prince; and siding with Douglas, a council of the nobility was privately assembled, which annulled the contract of the lady Elizabeth Dunbar, the earl of March's daughter, in favour of the lady Margery, daughter to the earl of Douglas; but without either the king or they taking any measures for repaying
to

A. D. 1403.

to the earl of March his money. The continuator of Fordun, to whose authority I must pay great deference, says, that the earl of Douglas paid a larger sum for his daughter's fortune than that which had been advanced by the earl of March, and that this earl's daughter was married to the duke of Rothefay; that before the marriage was celebrated, March demanded that the money he had advanced should be reimbursed; but receiving an unsatisfactory answer, he declared that, as the king had not fulfilled his bargain, he would bring unexpected calamities upon the country. He accordingly procured a safe-guard from Henry, and fled to England, leaving his castle of Dunbar to the custody of his nephew Robert Maitland, who soon after put it into the hands of the earl of Douglas, who is called in history Archibald the Grim, from the sternness of his visage.

So valuable an acquisition as the Scotch earl of March, delivered Henry from great part of his inquietude, with regard to Scotland. Robert sent ambassadors, demanding that he would deliver up his subject, but the request was disregarded. The earl of March, on the other hand, demanded re-possession of his castle, and pleaded that he had committed no act of treason, but that he had repaired to England under a safe-conduct, to negotiate his private affairs. This request was likewise disregarded, and he sent

who enters
into the
English ser-
vice.

A. D. 1400. sent for all his family and followers to England, where they joined him in great numbers.

A NEW WAR. Those proceedings unavoidably produced a war between the two kingdoms; and the earl of March, with the Hotspur Henry Percy, invaded Scotland, penetrating as far as Haddington, carrying off great numbers of the inhabitants into captivity, with their effects. From thence they went to Peebles, and then to Linton, ravaging wherever they came. They next besieged the castle of Hales, and took several of the neighbouring forts. The earl of Douglas, or, as I am more apt to believe, his son *, was then at Edinburgh; and having raised an army, he advanced to the relief of his father's estates: but the very name of Douglas struck the earl of March and the English with such dismay, that they made a precipitate retreat to Berwic, where they were pursued to its very gates. According to the continuator of Fordun, the Scots even entered them, (for the castle and town were quite distinct) and carried from thence the lance and banner of the lord Thomas Talbot, with a number of prisoners. Sir Robert Logan, the Scotch admiral, was then at sea with a squadron, but miscarried in an attempt he made

* He is called by the continuator of Fordun Magister de Douglas, or the master of Douglas, a term which is to this day appropriated to the eldest son of every Scotch lord; and I do not find that the custom of taking a father's spare title of honour was yet in use in Scotland or England.

upon some English ships of war that protected their fleet when fishing upon the coast of Scotland. The English, after this, plundered some of the Orkney Islands, then belonging to the crown of Norway, but governed, or rather farmed, by Sinclair, the Scotch earl of Orkney and Caithness.

This year died Archibald the Grim, earl of Douglas, one of the greatest subjects, as well as the best generals, at that time in Britain. He was succeeded by a son of the same name, who inherited all his father's courage, and antipathy to the English. The earl of March, all this time, continued under the king of England's protection. He had received repeated invitations to return to his allegiance; but all of them being rejected, he was proclaimed a traitor, and the Scotch governor formally demanded his being delivered up by Henry, which was not only refused, but Henry renewed the league with the lord of the Isles. The king of France, at this time, was far gone in a frenzy, and his ministers durst not venture upon any vigorous measures to support the Scots, who were thereby obliged to depend on themselves. Henry pretended that he had intercepted some letters, in which the Scotch regency called him a traitor in the highest degree; and he alledged this as one of the reasons why he protected not only the earl of March, but the lord of the Isles; and made great preparations for invading Scotland.

Death of the
earl of Dou-
glas.

A.D. 1406. land. This was a measure far from being agreeable to Henry's politics, had it not been dictated by the divided state of Scotland at this time, with the inability of France to assist her, and a more powerful motive perhaps than both, his dislike and jealousy of the Piercy family and its greatness. They had taken upon themselves the war with Scotland, but Henry resolved to snatch it out of their hands; and on the ninth of June, he summoned all the military power of England to meet him at York. On the eighteenth of the same month, orders were issued for protecting the French shipping, and that of all other nations, except the Scots. The reader is here to observe, that Henry, and the English, had accused the Scots of breaking the truce, because it still subsisted between them and France. The Scots, on the other hand, pleaded that they were not included in that treaty, and that they were to be determined only by the last special truce between them and the English, which was now expired.

Unjust
claim of
the English,

On the twenty-fifth of July, the earl of March renounced his homage, fealty and service to the king of Scotland, and transferred them to Henry by a formal indenture; for which he was rewarded by a pension of five hundred marks sterling, granted to himself and his wife Christian, upon the lordship of Somerton in Lincolnshire, and the customs of St. Botolph. He likewise gave him the manor of Clipstone in

in Sherwood forest. Henry then revived the ridiculous claim of homage due from the Scotch crown to that of England, with all the demands of superiority that had been made by the three Edwards, and even sent a letter to Robert, and another to his prelates and nobility, requiring them to meet him at Edinburgh by the twenty-third of August, in order to pay the homage due to him as their superior and direct lord: "For, said he, since the time of Loctinus, the son of Brutus, the kings of Scotland did homage to those of Britain and England, as did lately king William the second, and John his son; king Alexander to Henry the third, and Edward the first; John Baliol to the same king Edward the first, and Edward Baliol to Edward the third." The very mention of this claim sufficiently confutes it; but indeed it is pretty difficult to account for the conduct of Henry, the bravest and most politic prince of his age, on this occasion, without supposing that he actually had the conquest of Scotland in his eye.

Aber-
cromby.

He had many inducements to hope for this. He was at peace with France, from whence he knew he could not be hurt; he was afraid of the Piercy family, with whom he had many differences, and who might have acted the same part as the earl of March had done, by throwing themselves under the protection of the Scots, had they been out-lawed in England; but above all, the weakness of the Scotch government,

who meditate the conquest of Scotland.

A. D. 1400. the divided state of their royal family, and the dissensions among their great noblemen, might have flattered him into the hopes of entirely subduing Scotland. We cannot otherwise account for the great preparations he made not only by land, but by sea, where his fleet attended, to supply his army with provisions. Before he began his march, he received a letter from the duke of Rothesay, a prince of a spirit too high for his father's degenerate court, full of reproaches and indignation at the two indecent presumptuous letters which Henry had addressed to Robert and his nobility. Such a letter, however unguarded its expressions might have been, came with the greatest propriety from the heir of a crown, which was on the head of a prince guided by a designing brother, and influenced by worthless favourites. The letter was addressed by the duke to his adversary of England, the Scots not having yet recognized Henry's title to the English crown; and towards the end of it, the duke, according to the manner of the times, gallantly desired Henry to avoid the effusion of Christian blood, to fight him in person with two, three, or a hundred noblemen of a side. This inconsiderate challenge drew no other answer from Henry than the following cool repartee, "that he was surprised the duke of Rothesay should consider noble blood as not being Christian, since he desired the effusion of the one and not
of

of the other." He was then on his march, and he arrived at Leith the very day on which he had appointed the Scotch nobility to meet him and pay him their homage, and to conclude a peace between the two crowns. His march had been easy to the country of Scotland, where he affected the greatest lenity; and he granted his protection * to every inhabitant who desired it, for his house, castle, family, or fortune. In all probability, he expected to have been joined by a number of the discontented Scots; and he undoubtedly flattered the English with a promise of raising the power and glory of their country to a higher pitch than it had ever been known under the Edwards.

It was under this pretext that he had seized the immense sum of three hundred and fifty thousand pounds in ready money, besides as much in plate and jewels, that had been left by Richard in the royal treasury; and had raised vast contributions, not only from the prelates and nobility of the kingdom, but from the cities and great towns. Finding that neither his vast preparations, nor the interest of the earl of March, had brought any of the Scots to his standard, he formed the siege of Edinburgh-castle, which was defended by the duke of Rothesay, and (as some say) the earl of Dou-

King
Henry's
views.

* This was done by giving them a piece of painted cloth, which I suppose contained the arms of England, to be affixed to their dwellings.

A.D. 1400. glas. The duke of Albany was then in the field with an army; and he is accused, with too great a shew of probability, with the most traitorous designs, though I can find no room for supposing he had a correspondence with Henry. The latter met with a brave resistance from the duke of Rothefay, and received a letter from the duke of Albany, promising that, if he would remain where he was for six days, he would give him battle, and force him to raise the siege, or lose his life. The duke was then at Caldermuir; and Henry was so pleased with his letter, that he presented the herald who delivered it with his upper garment, and a chain of gold, promising, on his royal word, that he would remain where he was till the appointed day. The duke of Albany's conduct, on this occasion, is indefensible. He was himself at the head of an army, and at liberty to fight or retire as he pleased; while his nephew the prince-royal was shut up in a castle, which might have been taken by storm; and the prince, brave and inconsiderate as he was, might have been put to the sword in the action. The duke of Albany's conduct proved that this was his expectation and desire, for he suffered the six days to expire without making the smallest attempt upon the English army.

Henry's
polite be-
haviour.

The duke of Albany lost his honour, but Henry gained no laurels by this expedition. He behaved, however, towards the Scots who
were

were not in arms with humanity and politeness, nay, with affability. When two of the canons of the abbey of Holyrood-house came to implore his protection for their monastery, he received them with a most familiar air, told them, that it was not his intention to injure any religious place, and far less an house where his father had been so hospitably entertained; that he was himself half a Scotsman, being related to the Cummings by the mother; and that he never would have invaded the country, had he not intercepted letters addressed to the court of France, in which the duke of Rothesay called him a traitor. This lenity and moderation in Henry was secretly occasioned by the distressed state of his affairs at this time. He had been induced to believe, that he could easily take the castle of Edinburgh; but he found it defended with the greatest skill and valour by the duke of Rothesay; and he received intelligence, that the Welch were on the eve of a rebellion, under the famous Owen Glendower, the Wallace of his country. He knew that many of the English were highly dissatisfied with his title to the crown, and that his peaceable possession of it depended upon the moderation of the earl of March, an unambitious nobleman, but the real heir to the murdered Richard. He had seen the general inclination of the people, in the joy they entertained at hearing that Richard was still alive
in

A.D. 1400. in Scotland, where an impostor, under that name, undoubtedly appeared about this time, and gained a considerable following from the north of England. All those, and many other considerations, determined Henry, at all events, to raise the siege of Edinburgh-castle, and return to England. He therefore concluded a truce, which was to last six weeks, from the ninth of November; and it was prolonged, I know not for what time, but probably for a year, on the first of December, by the commissioners of the two crowns, who met at Kelso.

He raises the siege of Edinburgh-castle.

Rymer, vol. VIII. p. 166.

Disasters of Scotland.

1401.

It does great honour to the Scotch historians, that they unanimously praise the moderation and generosity of Henry during this expedition; but the year 1401 proved one of the most fatal Scotland had ever seen. The death of the earl of Douglas the Grim was severely felt by his countrymen, on account not only of his valour, but his zeal for preserving the public tranquillity, and impressing them with the respect that was due to the royal authority. He was survived but a short time by Walter Trail, archbishop of St. Andrew's, a prelate of great weight likewise, and a most excellent patriot. Queen Annabella, a woman of exemplary virtue and prudence, still remained, and tempered the bad humour which she saw arising among the branches of the royal family; but this year she died. The duke of Rothesay is said to have been restrained by her in that natural

natural impetuosity of temper of which he is accused by historians; but I think without proof, when his situation and provocations are considered. His brave defence of the castle of Edinburgh against an army that was thought irresistible, and commanded by one of the best generals of that age, had undoubtedly given him great credit with his father's subjects, and stung the duke of Albany. As to the king himself, it is allowed, on all hands, that he was quite sequestered from the world, oppressed with infirmities; and he was so little considered, that we know not the place of his residence during the late invasion. There scarcely can be a question, that, after the queen's death, he was entirely under the guidance and direction of his brother, the ambitious duke of Albany, who gave him the most disadvantageous impressions of his son, the duke of Rothesay. He had, during the queen's life-time, accused him of being dissipated and unruly; and the king had appointed certain noblemen to check and regulate his conduct. The continuator of Fordun says, that they excused themselves from this office, because they were unable to manage the duke; but I am inclined to believe that they found he required no restraint, and that the excesses with which he was blamed, were no other than the exertions of a spirit becoming his situation and dignity. That this was the case, must appear from his being entrusted with the defence of

A. D. 1401. Edinburgh-castle, in which it is probable that the king himself was shut up, as it is certain that most of the Scotch peers, by south the Forth, were. The only charges specified against him, is his having debauched, under promise of marriage, the daughter of William Lindsay of Rossy, and refusing to marry the daughter of the earl of March. As to the former charge, we know of nothing to support it; and if the latter was true, it only shewed that he was resolved not to be disposed of in the way of bargain and sale, by a corrupt degenerate court; but admitting, upon the whole, that he was guilty of some amorous excesses, they never can justify any part of the horrible scene I am now to unfold.

One Ramorgny, a man of the vilest principles, but an attendant upon the duke of Rothesay, had won his confidence; and perceiving how much that prince resented the conduct of his uncle the duke of Albany, Ramorgny had the villainy to suggest to the prince the dispatching him by assassination. The prince rejected this infamous proposal with such horror and displeasure, that the villain, being afraid he would disclose it to the duke of Albany, informed the latter, under the seal of the most inviolable secrecy, that the prince intended to murder him; upon which the duke, and William Lindsay of Rothesay, his associate in the treason, resolved upon the prince's death. By practising upon the doating king, Lindsay and Ramorgny obtained

tained a writ directed to the duke of Albany, A.D. 1401. empowering him to arrest his son, and to keep him under restraint, in order for his amendment. The same traitors had previously possessed the prince with an apprehension that his life was in danger, and had persuaded him to seize the castle of St. Andrew's, and to keep possession of it during the vacancy of that see. Robert had nominated one of his bastard brethren, who was then deacon of St. Andrew's, to that bishopric; but being a person no way fitted for such a dignity, he declined the honour, and the chapter refused to elect any other during his life-time; so that the prince had a prospect of possessing the castle for some time. He was riding thither with a small attendance, when he was arrested between the towns of Nidi and Stratirum (according to the continuator of Fordun) and hurried to the very castle of which he was preparing to take possession.

The duke of Albany, and the earl of Douglas, who was likewise the prince's enemy, were then at Culros waiting the event of their detestable conspiracy, of which they were no sooner informed, than they ordered a strong body of ruffians to carry the royal captive from the castle of St. Andrew's, which they did, after cloathing him in a russet cloak, mounting him on a very sorry horse, and committing him to the custody of two execrable wretches, John Selkirk and John Wright, who were ordered by the

A. D. 1401.
The prince
royal starved
to death,

duke of Albany to starve him to death. According to Buchanan, his fate was for some time prolonged by the compassion of one of his keeper's daughters, who thrust thin oat-cakes through the chinks of his prison walls, and by a woman who, being a wet nurse, found means to convey part of her milk to him through a small tube. Both those charitable females were detected and put to death; the young lady's inhuman father being himself the prosecutor; and the prince himself died a few days after, on Easter-Eve, his hunger having impelled him to devour part of his own flesh. He was buried in the church of Lindores, and several circumstances incline me to believe him innocent, as to the atrocious crimes with which he was charged. That the country people thought him a martyr to his uncle's ambition, appears by their pretending that miracles were wrought at his tomb; a compliment they never would have paid to the memory of lewdness and brutality, even in a prince. A stronger circumstance still occurs in his favour, for certain barbarous Latin lines were produced, in which his crimes and fate were foretold by Thomas Learmond, the rhyming prophet of Scotland *, who had been dead above a hundred years before, a forgery that must have been hatched in the brains of

* *Pfalletur gestis David luxuria festis,
Quod tenet uxores uxore sua meliores.
Deficient mores regales, perdet honores.*

the prince's enemies, to blacken him, and conceal their own parricide.

A. D. 1401.
and his memory blackened.

Robert was a long time ignorant of his son's detestable murder, and gave way to the renewing hostilities with England, the truce being then expired. Henry had sent a commission to the earls of Northumberland and Westmoreland, to offer the Scots any terms they could reasonably desire; but every proposal for an accommodation was rejected. The earl of March and his son Gawin Dunbar were still in England, and had received an additional pension from Henry, on condition of their keeping on foot a certain number of light troops, to act against the Scots upon the borders. These proved extremely troublesome, and sometimes carried off a vast booty, besides putting the defenceless inhabitants to the sword. The earl of Douglas took the field against them; and by dividing his men into small parties, he repressed those depredations; and the commander of one of those, Thomas Haliburton of Dirleton, even made inroads into England as far as Bamborough, from whence he carried back a large booty. This encouraged another chieftain, Patric Hepburn the younger, of Hales, to try his fortune in the same manner, in which he was seconded by a band of gallant youths raised in Lothian, and the Merse. Hepburn penetrated farther still than Haliburton had done, into England, where he remained too long, against the
advice

A fresh war upon the borders.

Rymer, vol.
VIII. p.
259.

A.D. 1401. advice of his officers ; for the earl of March had leisure to raise a body of men, with which he intercepted their return, at a place called Nisbet-muir, or, as the English call it, Western-Nisbet. They pretend (but I believe erroneously) that the earl of Northumberland and his son, the Hotspur Percy, commanded in the same army. It is certain, that a most bloody encounter ensued, in which the English were on the point of a total rout, when they were reinforced by a fresh body of men under young Dunbar, who turned the fortune of the day, and the Scots were defeated. Their leader Hepburn was killed in the field, with a number of other brave men, and scarcely a Scotchman escaped without a wound, Sir John Haliburton, and his brother Sir Thomas, Sir Robert Lawder of Bass, Sir John and Sir William Cockburn, with many other gentlemen, were made prisoners; and the flower of the Lothian youth were cut off. The two Haliburtons were suffered to return home, but they died soon after of dysenteries.

The Scots
defeated.

1402.

The earl of Douglas was then governor of the castles of Edinburgh and Dunbar ; and he applied to the duke of Albany to assist him in revenging this loss. The duke accordingly furnished him with a body of men, amounting, according to the English, to twenty thousand; Buchanan says ten thousand, and the continuator of Fordun admits of thirteen thousand. The duke of Albany, at the same time, to express

prefers his zeal for the common cause, sent his son Murdoc to serve under the earl, as did the earls of Murray, Angus, Orkney, and many others of the chief nobility, and eighty knights. This army broke into Northumberland and Cumberland, and carried its ravages to the walls of Newcastle, before the Piercies and the English wardens could assemble a body of troops to oppose them. This expedition was very ill conducted by the Scots; for they suffered the English generals to cut off their retreat, by getting between them and their own country. Both armies met at Homeldon-hill, near Wooler, and both drew up in order of battle. The Scots upon the brow of the hill, by which they were exposed to the English archers, and the English on the plain ground. Piercy was for rushing upon the Scots sword in hand; but the earl of March, laying hold of his bridle, stopt him, and advised him to observe the disadvantageous situation of their enemies, and what a fair object they presented to the English long bows. The battle accordingly began by a most dreadful discharge of arrows sent by the archers, which killed an incredible number of Scots, who remained still drawn up on the hill. The continuator of Fordun, who seems to have been present in the battle, acquaints us here with a most extraordinary fact, which reflects the highest honour upon Scotch knighthood. He says, that Sir John Swinton called out aloud to his

A.D. 1402.

Scots again
defeated
at Homel-
don.

A.D. 1402. his fellow-soldiers, no longer to stand the unactive marks of the English archers, but to rush down with him upon the enemy. His words were over-heard by his capital foe, Adam Gordon, with whom he and his train never met but they fought ; but Gordon, on this occasion, threw himself upon his knees before Swinton, asked his forgiveness, and begged the honour of knighthood from the most accomplished knight in all Britain. This being granted, the two rivals embraced each other, and rushing down the hill, with no more than a hundred followers, they broke the English ranks with amazing slaughter ; but being surrounded and unsecceded, they themselves, and every one of their gallant band, were cut in pieces. "It was believed, (says one of the continuators of Fordun) and I have read that the English themselves have sworn, that if the Scots who stood upon the hill had behaved as bravely as the handful under Swinton did, they must have obtained a complete victory."

Loss on
both sides.

That, however, was far from being the case, for after the dreadful slaughter made by the English archers, the Scots could make but a very ineffectual resistance. The earl of Douglas lost an eye, and having received five wounds, was made a prisoner, together with Murdoc, who is designed earl of Fife, the duke of Albany's eldest son, with the earls of Murray, Angus, Orkney, the lords Montgomery, Erskine,

Erskine, Graham, eighty knights, and such a number of esquires and common men, as amounted, in the whole, if we are to believe the English authors, to ten thousand. The names of the chief gentlemen who were killed with Swinton and Gordon, ought to be religiously preserved. These were Sir John Livingstone of Kalendar, Sir Alexander Ramfay of Dalhousie, Sir Walter Sinclair, Roger Gordon, and Walter Scot. The loss of the English was too inconsiderable, to be particularly mentioned. The English continued the pursuit, and many of the Scots perished in the Tyne. The continuator of Fordun, besides the list already mentioned, gives us the names of the following prisoners, which I shall here insert, as they are the progenitors of many illustrious families still in being; Robert Erskine of Alloway, William Abernethy of Salton, James Douglas, master of Dalkeith, and his two brothers, William Erth (perhaps Airth) with Hugh his son and heir, John Stewart of Lorn, John Seton of Seton, William Sinclair of Hermanston (called Hildermanston), James Sinclair of Lankermacus, with his son John, Patric Dunbar of Bele, Roger Lesley of Rothes, Alexander Hume of Douglas, Adam Forrester of Corstorphine, William Stewart of Angus, Robert Stewart of Durisdeer, Walter Biggarton of Lussuose, Robert Logan of Lastalryk, John Ramfay of Grenock, Elias Kirminnaguth, Lawrence Ramfay of Clatty, John

A. D. 1402. Ker of Samuelstone, Francis Mackowal of Gallo-way, and many others.

A breach in
the English
nation.

Soon after this battle, so fatal to Scotland, Henry sent congratulatory letters to the two Piercies, and to the earl of March, who had acquired great honour in obtaining it; and he gave the earl of Northumberland a gift of all the earldom of Douglas, lying in the vallies of Eskdale, Liddesdale, and Lawderdale, the lordship of Etric, and the forest of Selkirk; but they were yet to be conquered, and Henry likewise intimated, that the conquerors were not, upon any consideration, to put their prisoners to ransom, or to set them at liberty. At the same time he promised, that they should be no losers by obeying his commands. This letter threw the Piercies into a rage. They considered as next to nothing a gift of lands which they were yet to subdue; and they looked upon Henry as an ungrateful usurper, who wanted to crush them, after having obtained a crown by their assistance. According to English authors, their dissatisfaction immediately broke out; but the continuator of *For-dun* has furnished us with some very important particulars, omitted by other writers, both of the Scotch and English history.

The castle
of Coklawys
besieged,

Henry's pretext for requiring the Piercies not to dispose of their prisoners, arose from an immemorial custom, that the ransom of all prisoners, exceeding a certain rate, should be-
long

long to the king; and the Piercies thought they had sufficiently complied with this practice, by presenting Henry with the person of Murdoc, the duke of Albany's son, whom he received and treated with great politeness. In the mean time, the Piercies dissembled their resentment; and well-knowing that the southern parts of Scotland were in a manner depopulated of warriors, by their late defeats at Nisbet and Homeldon, they entered the borders, and besieged a place called by my author Coklawys. He observes, very sensibly, at the same time, that they probably undertook this expedition and siege not only from the prospect they had of success, but, as appeared from their after-conduct, that they might have a pretext for keeping up an army, which they intended to employ against their sovereign. The castle of Coklawys, which lies in the borders of Teviotdale, though vigorously assaulted, was bravely defended, by one John de Grymshaw; but at last he capitulated with the Hotspur Percy, that he would deliver it up, if it was not relieved by the king, or governor, in six weeks; and, during that time, no additional fortifications were to be made to the place. While the English army was retiring, one of Percy's soldiers pretended, that the Scots had broke the capitulation, by introducing a mattock into the garrison. The governor of the castle hearing of this charge, offered

A. D. 1402. to fight any Englishman who should offer to make it good; and the hardiest champion of their army being singled out, he was defeated by the Scotchman, who thereby acquired great praise from Piercy and his officers.

but relieved. The property of Coklawys belonged to one John Gledstane, who, upon raising the siege, posted to Robert's court, which was then held at a place called Botham, and laid before him the terms of the capitulation. The king referred him to the duke of Albany, who was then at Falkland; and he called together as many noblemen as the shortness of the time would permit, to deliberate what was to be done, whether to relieve the castle, or suffer it to be given up. The council was unanimously for the latter; but the duke of Albany, who (however unwarrantable his views might have been towards his brother and his family) behaved with great spirit against the English, swore by God and St. Philip, that he would march to the relief of the castle, "though (says he, pointing to his page, Peter de Kynbuk, who was present) I should be attended only by that boy." The assembly, who had distrusted the governor, being now convinced of his intentions, answered him with an unanimous acclamation, promising to stand by him, to the last, in his brave resolution. Letters were immediately circulated over all the northern parts of the kingdom; and the governor, in a few days,

days, was at the head of a gallant army. In his march towards Coklawys, he stormed and demolished the castle of Inverwike in Lothian, which was in the hands of the English; and marching forwards to Coklawys, in daily expectation of a decisive battle between him and Piercy, he received certain intelligence that the latter had been defeated and killed at Shrewsbury. This joyful news being proclaimed to the army by the voice of an herald, they returned home with triumph and exultation. But I am now to account for this unexpected event.

Henry's ingratitude to the Piercies (as they thought it) induced them to lay a deep plan for dethroning him. On the second of October, 1402, the earl of Fife, the lords Graham, Montgomery, and Sir Adam Forrester, with some others of the Scotch prisoners, made in the late battle, were presented before Henry in full parliament, having been sent him by the Piercies, according to his requisition. Forrester took that opportunity to harrangue the king and the illustrious assembly upon the benefits of peace, and the advantages that would result to both nations from a stable, definitive, treaty. Henry had a dislike to Forrester's person, because he had been instrumental in persuading him, that the duke of Albany intended to give him battle at Edinburgh; and treated his proposal (only because it came from him) with great

Affairs of
England.

A. D. 1402. great contempt. "As to you, my lord, said he, addressing himself to the earl of Fife, you have nothing to give you uneasiness, for you was taken like a brave man, with your sword in your hand." Upon this, the earl was set at liberty, upon his word of honour not to leave the kingdom; and the other prisoners were committed to the care of the steward of the king's household. In this parliament a petition was likewise presented by the earl of March of Scotland, praying, "That he may be restored to all his lands there, as the English shall, at any time, conquer or obtain them; and that all such his tenants and soldiers, as will become English, may be in the king's protection." The which the king granted, so as they be sworn.

1403.
Cruelty of
the English.

The Hotspur Percy, after the battle of Homeldon, had behaved with unexampled severity towards some of the Scotch prisoners. Upon pretence that William Stuart of Forrest, one of the bravest of their officers, was born in Teviotdale, when it belonged to the king of England, he was tried for his life as a traitor; but he made so good a defence, that he was acquitted by three different juries. The unrelenting hatred of Percy, however, brought him before a fourth jury; and, being found guilty, he was hanged and quartered. No sooner had the Percies settled their plan of rebellion, than this fierce animosity against the Scots subsided; and they gained over their prisoner,

soner, Douglas, to lend them his assistance. Their over-bearing behaviour disgusted Henry's brother, the earl of Westmoreland, so much, that, thinking himself as well intitled as they were, both to the honour and profit of the late victory, he persuaded Henry to issue out a commission for trying the several claims of the captors with regard to their property in their prisoners. Nothing could be more reasonable than this, as the Piercies had hitherto acted both as judges and parties with regard to their captives. This commission, however, could only relate to the common men; for Henry now peremptorily insisted, that all the Scotch prisoners of quality should be put into his hands; by which there is reason to believe, that he had some intimation of the connections entered into between Douglas and the Piercies. I am to observe, that Henry's conduct, on this occasion, was not very consistent. As he had declared himself the superior lord of Scotland, the Scots, properly, could not be considered as prisoners of war; and, in fact, the Piercies could bring no plausible objection to his demand. The earl of Worcester, Northumberland's brother, an artful man, and secretly an enemy to Henry, suggested to the noblemen of his family the means of distressing him, by their demanding that the English earl of March, who was still a prisoner among the Welch, should be ransomed. Henry was sensible with what view this was urged,

A. D. 1403.
Rymer,
ibid.
p. 292.

Continuation of
their affairs,

A.D. 1403. urged, and rejected their petition, on pretence that the earl had suffered himself to be taken, and that he remained with Glendower by his own choice. This refusal exasperated the Hotspur Piercy; and he exclaimed openly in court, that the lawful heir of the crown was robbed of his birth-right, and the robber refused to redeem him with part of his own property.

The truth is, the earl of March thought himself safer in the custody of Glendower, than if he had been at the court of Henry; and the earl of Worcester found means to bring the Welch into his family's views. As to Douglas and his friends, their conduct is far from being indefensible. Henry was not the next heir to the English crown; and they had no prospect before their eyes, had they been delivered up to him, than languishing in a lingering captivity, or redeeming themselves by an exorbitant ransom. Instead of that, the Piercies promised to restore them to their estates, country, and liberty, with many additional advantages; and actually suffered them to depart home, in order to raise men, upon their promising to rejoin them by a certain day. Douglas was punctual to his engagements, and brought with him a small body of brave soldiers.

as relating
to Scotland,

It is ridiculous, with the historian Carte, and the zealots for hereditary right, to pretend, that the earl of Worcester and the Piercies had no other motive for their insurrection, but those

those of conscience, and a detestation of the usurper. That nobleman, it is true, had great experience and merit, and perhaps personally disliked Henry; but his and his family's views were not over-favourable for the true heir, as they proposed to become masters of all England to the north of Trent, and consequently to share the throne with the king, whilst Gwendower was to possess the principality of Wales. Their plan, however, was kept secret, and they proceeded with wonderful address, in which they were assisted by the Scots. It was given out, that Richard was still alive in Scotland, having escaped from his confinement in a woman's habit; and the report made such an impression among the vulgar, that Henry was obliged to publish several manifestos to discourage it, and to justify his own conduct. These methods proving ineffectual, Sir Roger Clarendon, a natural son of the Black Prince, and about twelve religious, were hanged at Tyburn for a conspiracy against the government; but this severity was far from establishing the public tranquillity. A very strong, well-penned, manifesto, which was published about the same time by the Piercies, encreased the national discontent. It accused Henry of usurpation, breach of promise, profusion, and various other crimes, in which he had been assisted by the authors themselves; and they were answered

VOL. III. E c by

A. D. 1403. by counter-manifestos, published by Henry, the contents of which are foreign to this history.

A defiance of Henry's person and government by the Piercies, was the first indication of their open rebellion. The Hotspur Piercy marched towards Chester, in hopes of being joined by the Welch under Owen Glendower, who had advanced towards Oswestrey with twelve thousand men. Henry's crown was at this time saved by the firmness and courage of the Scotch earl of March. Henry was for advancing towards Wales; but that nobleman, while he was yet on his march, laid before him the dangerous state of his government with such irresistible reasons, that Henry, though much against his inclination, was prevailed on to make a short turn, and to march towards Shrewsbury, which Henry Piercy was preparing to attack. The earl of March was seconded by the brave prince of Wales, afterwards Henry the fifth; and Henry gave them the command of the army under himself. The unexpected march of Henry to Shrewsbury, with an army superior to that of the Piercies, astonished them; but the Hotspur Piercy, far from seeking to lessen the danger of his men, drew them out, and told them, they had nothing but their own valour to depend upon to save them from being treated as rebels, and dying upon gibbets. This shew of resolution struck Henry so much, that he
would

would have made a dishonourable peace, could the rebels have been contented with any thing less than his resigning the royal authority. A.D. 1403.

All hopes of an accommodation being over, both armies prepared for battle. Douglas and Piercy headed that of the rebels; that of Henry was drawn up by the earl of March, who persuaded Henry to take on himself the command of the last division, and in other respects made such dispositions, as shewed him to be an accomplished general. As he had foreseen, Douglas and Piercy broke like thunderbolts into the ranks of their enemies, and covered the ground where they fought with dead bodies. The prince of Wales and the earl of March, having suffered them to spend their fury, cut off their retreat from their main army; and the Hotspur Piercy, in endeavouring to rejoin it, was killed by the prince of Wales. Douglas continued still fighting; and with a great mace which he wielded (according to the Scotch historians) he struck to the ground and killed three noblemen, or knights, out of a greater number, who, that day, were dressed in the same manner as Henry. The loss of Piercy being known, Henry charged the rebels in person with his own division, which remained still unbroken, and gained a complete, though bloody, victory; the earl of Douglas, after performing the most astonishing acts of valour, being again made a prisoner. The loss of the

The battle
of Shrews-
bury,

E c 2

rebels

A. D. 1403. rebels in this battle, which was fought the twenty-second of July, amounted to above seven thousand; nor was that of Henry (who that day killed six and thirty with his own hand) inferior. As to the other consequences of the battle, and the names and qualities of the killed and prisoners, they are foreign to my purpose.

gained by
the abilities
of the
Scotch earl
of March.

The honour which the Scotch earl of March acquired by this victory, scarcely yielded to the praises bestowed upon Douglas, though a prisoner. It is certain, that had not Henry followed the advice of the former, who was well acquainted with the fiery dispositions of Piercy and Douglas, the army of the rebels would have been increased, in two days, by that under Glendower, and by another which was marching from the North, under the earl of Northumberland. Henry is said to have suffered the earl of Douglas to depart on his word of honour, in admiration of his valour. The same prince bestowed vast estates in England upon the Scotch earl of March and Dunbar, in which was included that of the late Henry Piercy; but he secretly resolved, in all events, upon a peace with Scotland, where the late king Richard was still reported to be alive; and, after residing as a servant with one Macdoual in Galloway, to have repaired to the Scotch court, where he was acknowledged and entertained. Though nothing could, in fact,
be

be more false than this report; yet such was the credulity of the times, that an impostor, who assumed the name of Richard, actually did appear in Scotland. As he was every minute in danger of being discovered he artfully withdrew himself from the public eye, under pretence of having devoted himself entirely to religious duties. This imposture was encouraged by the old countess of Oxford, who employed one Serle as her agent. This Serle had found out and instructed the counterfeit Richard, who played his part to admiration; and while his principal, and his accomplices, were hanged in England, enjoyed a comfortable retreat at Stirling, in Scotland, where he afterwards died, and was buried in the White Friars church there.

Henry employed the French ambassadors, who touched at his court in their way to Scotland, to set on foot a negotiation for a peace with that kingdom. He proposed that the Scots should be comprehended in the long truce, which had been some time before ratified by the king of France; but that expedient being rejected, he named commissioners to meet with those of the Scots, to treat of a truce on the footing of the agreement made at Handenstank by the dukes of Rothesay and Lancaster. In May, this year, Robert appointed Sir David Fleming, and Sir William Murehead, to treat with the English commissioners concerning the ransom of the earls of Fife and Douglas; (a
proof

1404.
A negotia-
tion.

A D. 1404, proof that the latter had not been unconditionally set at liberty) and, if they thought proper, to agree upon a truce. The commissioners from both kings accordingly met at Pomfret, on the sixth of July, and concluded a truce, which was to last from the twentieth of that month to the following Easter; but it was agreed, in the mean time, to hold another meeting at Handenstank, to deliberate upon a definitive treaty. In consequence of this agreement, Henry named the following persons for his commissioners. Matthew, bishop of Glasgow, James Douglas, lord of Dalkeith, David Fleming, John Stuart of Innermeth, who were all honoured with the appellation of his cousins; John de Edmonston, William de Borthwic, Adam Forrester of Corstorphin, knights, Mr. John Merton, doctor of the decretals, and Mr. Walter Forrester, secretary of state, both canons, the first of Glasgow, and the second of Aberdeen. Many incidents concurred to render this meeting of no effect.

The prince
of Scotland
sent to
France,

A fresh rebellion broke out in the north of England, in which the earl of Northumberland was deeply engaged, and when it was crushed, his friends, great and powerful as they were, were capitally punished; but he himself, with his grandson, the lord Bardolph, and other friends, took refuge in Scotland, where they were received by the lord Fleming, who was a favourite at Robert's court. Henry, in the mean time, took possession of Berwic, Warkworth,

worth, Alnwick, and all the other places belonging to the Northumberland estate. The duke of Albany's views, at that time, inclined him to keep well with England. His brother, old and infirm as he was, was still in possession of his senses; and though beset with the duke's creatures, he was at last informed of his eldest son's miserable fate. He resented it only by the most bitter grief, being unable to do justice upon the murderers *. This, very probably, had some influence upon the duke, who did not know how soon he might be obliged to Henry, in his turn, for an asylum in England. As to the old king, he wisely laid a plan, which he seems to have concealed from the duke, for conveying his surviving son James out of danger from his practices. The duke strenuously denied his having any concern in the death of the elder brother; and is said to have even put to death some persons on that account. Robert intrusted his secret, at first, only with Wardlaw, bishop of St. Andrew's, who advised him to send the young prince to France, and to trust the care of his person with Henry Sinclair, earl of Orkney. The hospitable reception which the late king David had met with in France, encouraged Ro-

* Abercromby has affected to doubt of the fact of the duke of Rothesay's murder as I have related it, but his reasons are frivolous; nor does he pretend to deny, that that prince died in prison, within the duke of Albany's castle of Falkland.

A.D. 1404.

bert to follow this advice. He had for some time resided at his castle of Rothesay, in the Isle of Bute, part of his family inheritance ; and it was agreed, that the earl of Orkney, with such friends as he could trust, should provide a ship, and that the young prince should embark at the Island of Baf, which he accordingly did with all secrecy, carrying with him the most affectionate recommendations from his father to the French king ; and, according to some of the Scotch writers, letters to Henry, in case of his falling into the hands of the English.

but is intercepted by the English.

That disagreeable event took place, for the ship which carried the prince was taken by an English privateer off Flamborough-head, and the prince, with his attendants, were confined in a neighbouring castle till they were sent to London, where they were committed to the Tower, by the royal order. The English historians, partial as they are to the memory of their kings, do not pretend to palliate the infamy of Henry's proceedings in this affair. We are not even sure whether the prince was taken at sea, or on shore, where his attendants might think he could securely land upon the faith of the truce, to obtain refreshments. He was, soon after his arrival at London, carried before Henry. He examined his attendants, and they frankly told him, that they were carrying the prince to France for his education. I understand the
French

French tongue, replied Henry, and your countrymen ought to have been kind enough to have trusted me with their prince's education."

A. D. 1405.

Robert was at his castle of Rothesay, in the Isle of Bute, where he received the heavy tidings of his son's captivity while he was at supper. His sensibility was such, that he was instantly struck with an agony of grief, which proved mortal; for his servants carried him immediately to his bed, where he expired three days after. He died on the twenty-ninth of March, after reigning near fifty years; and from that time James dated the years of his reign. Cotemporary authors mention Robert as being one of the most comely men of his time. Before he came to the crown, he discovered abilities and activity in public life; but after he was rendered lame, he gave himself intirely up to the private duties of religion and his family, in which he excelled. He certainly carried those virtues to a blameable extreme, as he abandoned himself to the guidance of an ambitious designing brother. Though indolent, he was sensible of his misfortunes and misconduct, as appears by the precautions he took with regard to the safety of his remaining son; and the years of his reign were distinguished for their fertility. Besides the two sons I have mentioned, he had, by his queen Annabella Drummond, a daughter, who

Death and character of Robert the third.

A.D. 1405. was first married to James Kennedy of Drummuir, ancestor to the earls of Cassilis, next to George Douglas, the first earl of Angus; and after him to Edmonston of Duntreth. *.

* King Robert had for his impress, or device, a sword and scepter passing through a coronet, and placed in saltire, over a mond or globe, with an avelane cross thereon. The word is, or-nari, aut mori.

A G E-

A
GENERAL HISTORY
OF
SCOTLAND.

BOOK THE SIXTH.

From the Death of ROBERT the Third,
in 1405, to the Accession of JAMES
the Sixth, to the Crown of England,
in 1603.

The R E G E N C Y.

THAT the duke of Albany was a man
of great abilities, cannot be question-
ed; for the Scots, ever since the death
of Robert Bruce, had not made a greater
figure than they did in the time of his regency.
They had put their sovereignty, in every respect,
upon an equality with that of the kings of Eng-
land, and the most respectable powers of Europe.
They asserted their own dignity and impor-
tance, by their wisdom and valour, and not by

1405.
James the
first, duke
of Albany,
regent.

A. D. 1405. having recourse to precarious recognitions of their independency, or formal treaties, which, in those days, were broken as soon as made. As a proof of this, even Henry the fourth, who was a pretender to the crown which now devolved upon his royal captive, acknowledged, without any sollicitation, the title of James, and treated him with all the tenderness and regard due to his high rank.

The king of Scotland detained in England.

The only pretext that Henry had for the detention of James, was the government of Scotland having received and sheltered the earl of Northumberland, his grandson, and the other English fugitives, who had been proscribed by Henry after their last rebellion: this naturally turned the eyes of the royalists towards an exchange of prisoners, and many consultations were held about purchasing the liberty of their young king, by putting the fugitives into Henry's hands. The nation, in general, had a high opinion of the regent's abilities; but they were jealous of his views, and unalterably fixed in their allegiance to James, which the regent was too wise to think of shaking. Winton, a Scots historian, who wrote at this time, but whose history never was published, says, that, upon the death of Robert the third, a convention of estates was held at Scone, where James's title was recognized, and the duke of Albany appointed regent. It was at that time, that the lord Fleming, who had generously received and pro-

His title recognized,

protected the earl of Northumberland, discovered the intention of the royalists to deliver up that nobleman to Henry; he apprised him of his danger, and assisted him and the lord Bardolph to escape to Wales. The continuator of Fordun tells us, that, while the earl resided in Scotland, he lived at the castle of St. Andrew's; that the bishops of Bangor and St. Asaph, and the abbot of Wellbeck, with several other persons of distinction, fled to Scotland likewise. It is certain, that Northumberland's grandson, the son of the Hotspur Piercy, and heir to that great family, was left in Scotland, where he received great part of his education.

The escape of the earl of Northumberland out of Scotland was far from being disagreeable to the duke of Albany, as the royalists had now no pledge whom they could exchange for their king. Henry, on the other hand, omitted nothing that could soften the captivity of James, or prevent the Scots from declaring war. I do not, however, perceive that he was yet free from his imprisonment in the Tower of London; but we know that there was now a greater intercourse than ever had been known between the English and the Scots. The latter were, on all occasions, welcome to Henry's court, where they distinguished themselves by their martial exercises and diversions: but all those civilities could not make the people easy, while their king was a prisoner. The duke of Albany was forced

but he is
imprisoned
in England.

A. D. 1406. forced to give way to their spirit, and though
A new war, and an accommodation, the truce was still subsisting, he raised an army to deliver James. Henry, on the other hand, in the beginning of September, summoned all his military tenants to take arms against the duke of Albany, the pretended governor of Scotland; as he calls him in his writs, and the common adversary and enemy of his subjects and himself. This storm, however, soon blew over. Henry empowered the bishop of Down, in Ireland, to treat with Donald, lord of the Isles, and John his brother, about a final peace, alliance, and friendship, between him and his subjects of England and Ireland, and the said Donald and John, and their subjects, in all and every one of their Isles. The regent laid hold of this and other pretexts for entering into a new negotiation with Henry, who was equally desirous of peace; and the truce was accordingly prolonged for a year, from the end of September, during which time all the differences between the two nations were to be settled.

1407.
The Scots demand their king.

In consequence of this agreement, Rothesay, king at arms, was appointed commissary-general for the king and kingdom of Scotland, and repaired in that quality to the court of England. He there produced the record of the truce, which was subsisting when James was made prisoner, and which provided, at the same time, for the free navigation of the Scots; and demanded justice upon Jolyfe and his associates, who

who had made prize of the ship that carried James, and several other Scots ships. Henry, the most plausible and moderate prince of his time, was so far from contradicting either the facts or the principles advanced by Rothesay, that he ordered justice to be done to the Scots nation, and that the truth of Rothesay's allegations should be examined into. This, in fact, was doing nothing. The English had their complaints as well as the Scots, and the claims of both were so intricate, that the examination fell to the ground; but, at the same time, the truce was prolonged.

Towards the end of the year, Gilbert, chancellor of Scotland, Robert, bishop of Dunkell, David Lindsay, earl of Crawford, Alexander Stuart, earl of Marr, and William Graham of Kincardine, repaired with a commission from the regent to the borders, where they renewed the truce with England, which was to last all the year 1407. The history of Scotland, at this time, furnishes us with no public transactions, but its own civil broils. The escape of the earl of Northumberland being known to have been effected by Fleming, his generous behaviour created him enemies. Some had expected money from the king of England, in which they were disappointed by the earl's escape; and others blamed Fleming for suffering the only pledge they had for their king's deliverance to leave the kingdom. Though we are in the dark as
to

A.D. 1407.
The earl of
Northum-
berland's
escape out
of Scotland.

to the particulars of that tragical affair, yet there is too much reason to believe that Fleming's virtues cost him his life. He had been entrusted with the secret of the prince's leaving Scotland; and the high favour in which he stood with the late and present king, no doubt encreased his enemies. Of those, Douglas of Balveny, son to the earl Douglas, and Alexander Seton, afterwards lord Gordon, were the chief. Every person of consequence, in Scotland, had then his family differences, and always travelled with a military attendance, in expectation of being attacked; which proved to be the fate of Fleming, for he was killed after an obstinate and bloody resistance at Longhermanston. It is to be regretted, that the histories of the private families in Scotland are full of such encounters, which contributed to their destruction, without advancing any national purpose.

His in-
trigues,

The turbulent earl of Northumberland, after remaining for some time in Wales, entered into fresh intrigues with that people and the French, against the government of England; and Henry, suspecting that he had some correspondence with the young king of Scotland, ordered him and Glendower, son to the famous prince of that name, to be removed this year from the Tower of London to the castle of Nottingham, where James remained for some time, but still improving in his education and studies. The two courts

courts of France and England still continued to negotiate, while each was betraying the other; and though the French concluded a truce for Guienne, it was only that they might be the more at liberty to assist the earl of Northumberland and Glendower, in renewing their rebellion against Henry. What the event must have been, had not the French court been split into parties, is hard to say. The duke of Orleans and Burgundy had sworn upon the Holy Sacrament a reconciliation with each other, when the former was assassinated by the latter, who gloried in the murder, and became one of the principal supports of Henry's person and French dominions. This great alliance strengthened Henry against the earl of Northumberland, who had many friends in Scotland that promised to assist him, as soon as he was in a condition to take the field.

Though we have no positive proof of any correspondence that was, at this time, kept up between the regent and the court of England, yet we know that the former was very backward in pursuing serious measures for obtaining his nephew's liberty; that Henry was well apprised of the earl of Northumberland's views, and disappointed all his expectations from Scotland, excepting a body of free-booters, who joined him from the Scotch borders. The continuator of Fordun says, that the earl had a dependence upon Sir Thomas Rokeby, the sheriff

A. D. 1407. of Yorkshire, with whom he corresponded ; but that he betrayed him to Henry. The earl being thus disappointed on all hands, was obliged to depend entirely upon the great family-interest he had in the north of England, and the disaffection of the inhabitants towards Henry's government. He appointed Thresk in Yorkshire for his place of rendezvous, and a plausible manifesto he published, increased his numbers, but without adding to his force ; for his men were all undisciplined, most of them coming to the field only for plunder. Rokeby the sheriff, having assembled a body of the freeholders, secured the chief passes of the country ; and declaring against the earl, came up with him and his rout at Braham-moor, where a sharp encounter followed, in which the earl was defeated and killed, and the lord Bardolph taken prisoner, but died of his wounds.

and death.

1408.
Difference
between the
earl of
March and
the king of
England.

This was a seasonable victory for Henry, and he gave Rokeby a suitable reward out of the earl of Northumberland's forfeited estate. Historians have left us in the dark as to the original of a quarrel which fell out at this time between Henry and the Scotch earl of March, to whom he owed so much. All we know is, that that nobleman had a quarrel with the dean and chapter of Lincoln, in which one John Bleffwel was killed ; and that he and thirty-seven of his servants had obtained their pardons, under the great seal, for that murder, and
all

all the other felonies they had committed. Perhaps the earl thought, that his country had sufficiently suffered for the affront that had been offered him, and was sincerely reconciled to his young sovereign, whose accomplishments were now the theme of public admiration. If we are to believe the English historians, the earl ordered a body of his Scotch friends to join the late earl of Northumberland; which if true, his breach with Henry may easily be accounted for. His dislike of Henry, probably, was encreased by his not having sufficient consideration paid him at the English court, which stood no longer in need of his assistance, and had failed in its promises to restore him to his Scotch estate. Upon the whole, the earl had sufficient reason, without any motives of personal resentment, for returning to his duty.

Upon the suppression of the earl of Northumberland's rebellion, James was brought to the English court, where he was treated by Henry with extraordinary respect. By a record that has come to our hands, two gentlemen having fought long and valiantly, in single combat, in presence of the court, Henry ordered them to desist, at the entreaty of his most dear cousin the king of Scotland, as he is called, and that of his own sons. After this, we find him residing at Croydon, a pleasant village in the neighbourhood of London. Here he enjoyed the company of the most ingenious and learned

Treatment
of James
there.

A.D. 1408. men in England, and probably became acquainted with Chaucer, the celebrated father of English poetry. Those civilities to the person of James were attended by very different effects towards the Scotch noblemen who were prisoners in England, whom Henry observed with more vigilance than ever. The earl of Douglas was called upon either to return to his captivity, or to pay a most exorbitant ransom. A treaty was entered into with the earl of Fife, who had leave to return home, upon giving for his hostages David, son and heir to the earl of Caithness; John Stuart, earl of Buchan, and son to the regent; Patrick Graham, earl of Strathern; and Alexander Graham, son and heir of the lord of Graham. The earl of Fife either could not, or would not, fulfil those conditions; and the treaty with him came to nothing. Upon the expiration of the truce this year, it was renewed till Easter 1409. Scotland, all this time, was equally tranquil and prosperous under the regent's wife and mild administration; and the Scots in general seemed no way disposed to embroil themselves with Henry on account of their prisoners in England.

and of his subjects.

The earl of March restored to his Scotch estates.

The earl of March, before his return to Scotland, had openly renounced his allegiance to Henry; and the regent was at great pains to reconcile him to the earl of Douglas, who remained still in Scotland; which gives countenance

A. D. 1408.

nance to what some Scotch writers say, that he had been set at liberty by Henry without any ransom. I am of opinion, that if his dismissal was not absolute, it was upon such terms as the earl had complied with, and therefore he did not think himself bound in honour to return to his captivity. The accommodation between the earls of March and Douglas was completed in the year 1409. The latter resigned to the former his estate and castle of Dunbar, but indemnified himself for the losses he had sustained, by keeping possession of the castle of Lochmaben, and the lordship of Annandale. Haliburton, lord Dirleton, son-in-law to the regent, had been so instrumental in this reconciliation, that he likewise received a reward in land. Upon the expiration of the truce at Easter 1409, the regent refused to renew it; and the people of Teviotdale took and demolished the castle of Jedburgh, which had been in possession of the English ever since the battle of Durham. The regent immediately ordered the place to be demolished, which was done with great difficulty, on account of the hardness of the cement, and the thickness of its walls. This service was thought to be of so much importance, that the regent convened an assembly of the states at Perth, to deliberate how to pay the captors, and to enable them to keep the field. Many of the assembly proposed to raise a tax of two pennies upon every house
that

1409.

Jedburgh
castle demo-
lished.Continua-
tion of
Fordun.

A. D. 1409. that had a fire-place. This was opposed by the regent, as being oppressive and unpopular ; and he ordered the Teviotdale men to be indemnified out of the royal customs. This transaction, which I have taken from a contemporary author, discovers the spirit of this prince's admiration, which was entirely turned to popularity and the maintenance of the public tranquillity ; in both which he was successful, almost beyond belief. About this time, the same author tells us, that Scotland was visited by a most dreadful storm, which destroyed many of the public buildings ; and that the regent moved from one part of the kingdom to another, holding justice-courts wherever he came, for the benefit and protection of the poor.

1410.
A new war
between
Scotland and
England.

Towards the end of the year 1409, or the beginning of 1410, before the truce with England was renewed, I perceive, from the English historians, that Robert Umfreville, a relation of the earl of Angus, with ten English ships, sailed up the Frith of Forth, where he did considerable damage to the Scotch shipping, and carried off fourteen vessels laden with drapery goods and grain. The English, that year, were distressed by a dearth of corn ; and Umfreville's captures were so considerable, as to bring a seasonable supply to the common people, who gave him the name of Robert Mendmarket. Umfreville, before his return, made several descents on the coasts of Scotland, where

where he committed great ravages. The authorities for this expedition are unquestionable; and, though omitted by Scotch authors, they serve to give us some idea of the happiness of the common people of Scotland under this regency, when even the surpluses of their harvests (for the grain spoken of certainly was meant for exportation) could relieve England from famine. Henry, all this time, was taking his measures, as we shall soon see, for plunging Scotland into civil blood, in which he was but too successful; but the Scots renewed the truce by their commissioners, Sir William Hay of Lochwarret, Sir William Burthwic, and Mr. Alexander Cairns. In May that year, the regent sent a letter to the king of England, with the following address: "To the most excellent prince Henry, by the grace of God, king of the English, our most dear cousin, Robert, by the same grace, son to the king of Scotland, duke of Albany, earl of Fife and Menteith, and governor of the kingdom of Scotland." In the course of the same letter he calls the Scots "our subjects of the kingdom of Scotland." Those terms of sovereignty were certainly improper for a subject to use, and gave Henry great offence; nor could they be at all agreeable to James. It appears as if Henry had disregarded this letter, which was meant as a ratification of the truce; for in July the regent threatened to invade England. Henry ordered his

A.D. 1410.

Rymer.

A.D. 1410. his northern subjects to be upon their guard; but George Dunbar, son to the earl of March, took Fastcastle, together with its English governor, Thomas Holden, who, while he held it, had done irreparable mischief to the inhabitants of Lothian.

Rebellion
of the earl
of Ross.

Henry now prepared to strike the great blow which he had so long meditated against Scotland. He had, as we have seen, renewed his league with the lords of the Isles, where a considerable revolution then happened. Walter Lesley had succeeded to the estate and honours of the earls of Ross in right of his wife, who was the heir. By that marriage he had a son, Alexander, who succeeded him; and a daughter, Margaret, who was married to the lord of the Isles. This Alexander had married one of the regent's daughters; and dying young, he left behind him an only daughter, Euphane, who was a nun at North-Berwic, and deformed. Her grandfather, the regent, procured from her a resignation of the earldom of Ross, of which she was undoubted heir, in favour of his second son, John earl of Buchan, but in prejudice of Donald lord of the Isles, who was son to Margaret, sister to earl Alexander, and consequently the nearest heir to the estate after the nun. Donald applied to the regent for redress, and to be put in possession of the earldom; but the regent had many reasons for rejecting his suit, and some of them, I think, well-

well founded, as Donald, if he was a subject of Scotland, could not answer for the independent engagement he had entered into with the king of England, and which rendered him guilty of high-treason. Without entering into any disquisition of the regent's conduct, it is sufficient to say, that Donald and his brother John took refuge at the court of England, where Henry received them with open arms, and made use of the pretext of doing justice to them, to excuse himself from accepting of the late truce. We know not what part James took in this affair. He was now of an age fit for government, and had for some time acted in a royal capacity towards his own subjects; but prudence probably prevented his taking any concern in the quarrel between the regent and Donald, whose cause Henry openly espoused. Donald, receiving Henry's instructions and assistance, returned to his own dominions in the Isles, where he raised an army, and passing over to Ross-shire, he violently seized the estate in dispute. His person and claim were so agreeable to the tenants of the earldom, that he was soon at the head of ten thousand hardy Highlanders and islanders; but his connections with Henry, who was now in a state of declared war with Scotland, impelled him to farther attempts. Leaving Ross-shire, he marched into the fertile province of Murray, and from thence to Strathbolgy and Garioch,

A. D. 1410. which he laid under contribution; and proposed to pay his troops by the plunder of Aberdeen, at that time, a place of considerable trade.

The battle
of Harlaw.

The regent appointed his nephew, Alexander Stuart, who was earl of Marr in right of his wife, Isabel Douglas, only daughter of William, first earl of Douglas, and of Margaret, sister and heir to Thomas, the last earl of Marr, to command the army. This earl I perceive to have been son to Alexander earl of Buchan, brother to Robert the third; but the accurate Ruddiman does not countenance those Scotch writers who call him a bastard. He was certainly a brave, intrepid, general; and, having received his commission, he raised an army, consisting of the nobility and gentry lying between the rivers of Spey and Tay, many of whose descendants, to this day, hold the same estates *. He came up with Donald at Harlaw, a village in the Garioch, within ten miles of Aberdeen; and so desperate a battle was fought, that the victory was uncertain, but equally bloody, on both sides. The chief of the killed among the royalists were Alexander Ogilvy, sheriff of Angus, who commanded under the earl of Marr, together with his son and heir; James Scrimgeour, constable of Dun-

* The Lyons, Ogilvies, Maules, Carnegies, Lindsay, Erskines, Fotheringhams, Leslie, Frasers, Irvines, Gordons, Forrestes, Abercrombies, Bannermans, Arbuthnots, Burnets, Leiths, Duguds, Mowatts, Barclays, &c.

dec;

dée; Alexander Irvine of Drum, Thomas Maule of Panmure, William Abernethy, younger, of Salton, Alexander Straiton of Lawrieston, Alexander Stirling, Thomas Murray, and Robert Davidson, provost of Aberdeen; all of them knights, and gentlemen of distinguished families. In short, the gentry of Angus, Merns, Marr, Buchan, and Garioch, were the greatest sufferers; and Lesly, the baron of Balwhain, was killed, with six of his seven sons. Nine hundred of the islanders were cut off, among whom were the heads of the Maclane and Macintosh clans.

The remains of the royal army lay all night under arms; but Donald, finding himself in the midst of an enemy's country, where he could raise no recruits, next day, being the twenty-fifth of July, began to retreat; and the shattered state of Marr's army prevented his being pursued, as the forces which he expected from the South and West were not yet arrived. We are told, that the duke of Albany found means to invade Donald's dominions in the Isles with a small squadron of ships, and, at the same time, reduced his castle of Dingwall; and that Donald, finding himself but poorly supported by the king of England, made his peace next year with the regent, who had three armies on foot against him, and Donald swore allegiance to the crown of Scotland.

A. D. 1410.
The war
continues.

While this war was carrying on in the North, Henry continued to refuse to renew his truce with Scotland. He had been too sanguine in his expectations from Donald's rebellion; and the regent's party obtained great advantages from his obstinacy, or, as they called it, his injustice. The earl of March had, by this time, joined with the Douglasses, and acted in a manner that shewed he was determined, if possible, to efface all memory of his late defection. His son, and Douglas of Drumlanrig, had set on fire and plundered the town of Roxburgh, and broke down its bridge; while the regent sent complaints of Henry's conduct to all the courts in Europe. That of France interested itself particularly in favour of the Scots, who had promised them a body of men to oppose Henry; and a bull that had been obtained from pope Urban in 1368, was now published, and did them great service; the original being now preserved in the Scotch college at Paris. Abercromby has made a pompous display of the contents of this bull, great part of which is either very little to the purpose, or contains absolute falsehoods; for his holiness says, "That the most Christian kings of Scotland have ever been the noblest champions of the catholic faith, and Roman church, which they have defended, protected, and propagated through the universe." What follows is of more importance;

A bull

ance; for his holiness, “ with advice and consent of his brethren, and by virtue of his apostolic faith, prohibits, under pain of excommunication and interdiction, all persons ecclesiastical and secular, of whatsoever dignity and rank they may be, to form societies or leagues against the government of Scotland; to enter that kingdom in an hostile manner; to display their banners in it; to break down houses, drive away cattle, make incursions, depredations, &c. or to protect, favour, counsel or assist, directly or indirectly, publicly or privately, any such men, or societies of men, who shall presume to infringe this prohibition.” He goes on, and not only declares the offenders to be excommunicated, but incapable of being absolved, by any but himself and his successors, unless it be upon death-bed, and when they shall be thought past recovery. He also declares them to be infamous, and, as such, incapable of all privileges, honours, places of trust or profit, and all offices civil, military, or ecclesiastical; makes void their testaments; degrades them from their order of knighthood, or any pretensions to nobility; absolves their subjects, if they have any, from all the obligations formerly due to them; and, in a word, omits nothing fit to terrify all the enemies of the king and kingdom of Scotland, whether foreign or domestic, into a peaceable disposition with respect to them.

The

A. D. 1410.
from the
pope, sea-
sonable for
Scotland.

The seasonable publication of this bull was attended with the best effects for the Scots. It contributed to bring Henry to reason, and to extinguish the remains of Donald's rebellion. He and his family, however, were restored afterwards to the earldom of Ross; and though they swore homage, as lords of the Isles, to the crown of Scotland, they were considered as feudal princes, and as retaining certain rights in their own dominions that gave them a title to be still comprehended as parties in treaties with foreign powers. What those rights specifically were, does not clearly appear. All we know is, that they claimed an exemption, in certain cases, from the civil law of Scotland; and that they had the power of life and death. Upon the whole, their case was very extraordinary; and our ignorance as to its particulars, arises from the barbarity of the people, who, in those times, had no means of transmitting their history. The rest of this year, and great part of the year 1411, were spent in negotiations between Henry and the regent of Scotland, which produced a mutual cessation of arms. Henry sent over a reinforcement of troops to the assistance of the duke of Burgundy, who was then in open rebellion against the king of France; and this hastened the conclusion of the treaty which had been long depending between Henry and the regent of Scotland; for it is certain, that some troops were sent over from
Scotland

Scotland before the year 1412. That James that year resided at Croydon is without question; and that he rewarded Sir William Douglas of Drumlanrig with a grant of an estate, all written by his own hand, in consideration of the service he had done his country at Roxburgh. This charter has been published by Mr. Anderfon, and is written entirely in the royal style *. No mention is made in it of the regent; and though it is sealed only with the king's private signet, he expressly orders it to be extended by his chancellor in due form, and authenticated under his great seal of Scotland.

The earl of Douglas was the first who carried over the reinforcements to France, in consequence of the late engagements between that crown and the government of Scotland. He was attended by the lord Henry Sinclair, earl of Orkney; and having been three times driven back in their voyage by contrary winds, they

Affairs of
France.

* " Jamis, throu the grace of God king of Scottis, till all that this lettre hereis or feis, sendis gretynge. Wit ye that we have grauntit, and be this presentis lettres grauntis, a speciall confirmation in the most forme till oure traiste and wele-belofit cosyng, Sir William of Douglas of Drumlangrig, of all the landis that he is possesseit and chartrit of within the kyngdome of Scotlande, that is for to say, the landis of Drumlangrig, of Hawyke, and of Selkirke, the whilkis, charts, and possessiouns, be this lettre we conferme, and will for the mare sekernes this oure confirmatione be formabilli efter the fourme of oure chanussellure, and the tenor of his chartris, felit with oure grete sele in tyme to come. In witness of the whilkis this presentis lettres we wrate with oure propre hande, under the signet usit in selyng of our lettres, as now at Croidoune, the last daie of November, the zer of oure Lorde MCCCCXII.

re-

A. D. 1412. repaired to Icolm-kill, in the Frith of Forth.

After paying their devotions at the shrine of St. Columb, they set sail a fourth time, and landed with a fair wind on the coast of Flanders. Here it is proper to connect this history with a short review of that of France. Charles the sixth of that kingdom continued to be insane, and had the misfortune of being married to a princess of Bavaria, who loved neither him, his family, nor people. She was connected with his brother, Lewis duke of Orleans; and they kept magnificent courts, while the king and his children were without the necessaries of life. In one of his lucid intervals, while he was sensible of his own miserable situation, he ordered the princes of his blood to be summoned to his council. Those, besides the duke of Orleans, were the dukes of Burgundy, Berry, and Bourbon, with the kings of Navarre and Sicily, who all of them condemned the conduct of the queen and the duke of Orleans. The latter retired from court, and soon after, his assassination, which we have mentioned, by the duke of Burgundy happened. That prince was one of the greatest potentates in Europe; and I perceive, from the continuator of Fordun, that Alexander Stuart, earl of Marr, was one of his generals, and chiefly instrumental in the victory he gained over the people of Liege. During his absence in that war, the queen and the other princes of the blood got possession of the

the

the king's person, and carried him to Tours; but some slight submissions offered by the duke of Burgundy, procured him his pardon, and he was seemingly reconciled to the Orleans family. This reconciliation was of no long continuance; and the duke of Burgundy once more formed a party against the queen and the other princes. The degeneracy of the French court, at that time, was such, that a new accommodation took place, the consequences of which were a breach between Henry the fourth of England, and the duke of Burgundy, and the conclusion of a treaty of marriage between his daughter and the dauphin, by which the duke became his guardian, and consequently the management of public affairs devolved upon him, he being in possession of the person of the king, as well as of his intended son-in-law.

This produced a new confederacy of the princes of the blood against the duke of Burgundy, which was followed by a fresh accommodation; and that duke again strengthened himself by an alliance with Henry, to whom he was accused of having sold the monarchy of France. This brought the English auxiliaries, I have mentioned, to his assistance, about the time that the earls of Douglas and Orkney embarked for France. It is difficult to say, what part they were to act when they arrived there; for Henry had, by this time, once more broken with the duke of Burgundy, and had be-

A.D. 1413. come the protector and head of the other princes of the blood, who were that duke's enemies. They were soon relieved from this difficulty, by the duke of Burgundy uniting with the princes against the English, who were left alone to maintain their own quarrel. Such was the state of affairs in France, when Henry the fourth of England died, on the twentieth of March 1413, and was succeeded by his son Henry the fifth.

Foundation
of the uni-
versity of
Aberdeen.

This year was distinguished by the foundation of the university of Aberdeen, and by a single combat fought before the earl of Douglas, between John Hardy and Thomas Smith, in which the latter, who had falsely accused the former of treason, was killed. A difference having happened between Sir John Drummond of Concragie, and Patric Graham, earl of Strathern, they were reconciled, by the latter giving to the former his sister in marriage, and both of them taking the sacrament together, as an assurance of friendship between them; but without any effect, for the earl was killed by Drummond and his friends, in the town of Crief. The murderers were apprehended, and two of them, William Oliphant and his brother Arthur, were hanged; but Drummond himself died of a dysentery.

Conduct of
Henry the
fifth of
England.

Upon the accession of Henry the fifth of England to that crown, the whole of his conduct, both public and private, became very different
from

from what it had been while he was prince of Wales. Though he had lived in great friendship with James, yet one of the first acts of his government was to order James, the earl of Fife, the lord William Douglas of Dalkeith, and William Giffard, Esq. to be confined in the Tower of London, lest they should take advantage of the public confusion upon his father's death. He then provided for the defence of the borders of Scotland, and wisely took the young earl of Northumberland, who still remained in that kingdom, under his protection, with an intention to restore him to his father's honours and estate. He then subdued the lord Cobham, who was at the head of the Lollards; and summoning his council together, he required their opinion, whether he ought to march against Scotland or France. The wisest of his counsellors advised him to the latter, alleging that he had little to fear from Scotland, while he had her king in his power. The earl of Westmoreland opposed Chicheley, archbishop, and the duke of Exeter, in this measure, but he was over-ruled; and Henry being now fixed in his resolution to invade France, relented in his rigour against the Scots; for, in April ensuing, he ordered the following gentlemen of that nation to be set at liberty, Sir James Douglas, Thomas Hamilton, John Bois, John Lyon, Dugal Drummond, Adam Cockburn, Alexander Aikenhead, William Brown, John Paterfon,

A.D. 1413.

A.D. 1413. John Hume, John Wallace, John Scrimgeour, Gilbert Dalrymple, and several others of less note. This lenity proceeded from Henry's desire to keep the Scots, at least, neutral, while he was absent on his French expedition, but it was far from being attended with that effect; but it brought on three different negotiations for the ransom of James. The first was in April, when the Scotch plenipotentiaries were, Walter bishop of Brechin, William lord of Graham, Alexander Ogilvy, sheriff of Angus, Robert Lany, and John Weems. The next negotiation was in July following, when Sir John Sinclair, Sir William Cockburn, Adam Cockburn, Alexander Hog, John Hog, and James Patricson, were employed; and in December the plenipotentiaries were Sir William Douglas of Drumlanrig, Alexander de Escheles, and John Wallace.

Fresh negotiations.

James carried prisoner to Windsor.

So many treaties being set on foot during so short a time, sufficiently prove the great desire the Scotch nation had for their king's restoration. The regent was equally solicitous about the redemption of his son Murdoc, earl of Fife, and sent his brother the earl of Buchan to treat for his ransom, and likewise those of his friends, Patric Dunbar of Bele, William Hay of Lochinwarret, and William Borthwic, knights. They likewise had it in commission to renew or prolong the truce; and a new one was concluded, which was to last no longer than the first of June 1414. The truth is, Henry never had been
in

in earnest with regard to the redemption of James, but he undoubtedly would have consented to the ransom of Murdoc, if his father could have undertaken that the Scotch troops should be recalled out of France; this, however, was so far from being the case, that the antient league between the Scots and the French had been renewed some years before, and sworn to by Walter earl of Athol, brother to the regent, the earls of Buchan and Strathern, William lord Graham, John Stuart of Darnley, James Douglas of Aberdeen, brother to the earl of Douglas, and James Douglas of Dalkeith. It was in consequence of this agreement that the Scotch auxiliaries had been sent over to France, under the earls of Douglas and Orkney, and were every day encreasing, which determined Henry to alter his measures. We accordingly find, that after all negotiations for a farther prolongation of the truce, or for the ransom of James, were at an end, that prince was, by Henry's orders, carried, in the month of August 1414, from the Tower of London to the castle of Windfor; and that the sum of three hundred pounds was issued out of the exchequer of England for his maintenance, and that of the earl of Fife and some others. This shameful allowance is a full proof that James was not properly supplied during his captivity by the regent, and partly accounts for the animosity which he afterwards discovered against that prince's family.

Scotch auxiliaries in France.

1414.

The

A.D. 1414.

A new negotiation.

The truce between Scotland and England being expired, and Henry on the point of departing for France, the Scots made so formidable an appearance on the English borders, that Henry, to keep them in temper, gave way to a negotiation for an exchange of the young earl of Northumberland, whose deliverance he had for some time resolved on, and the earl of Fife. It was agreed, before Henry set out for France, that Robert Stuart, the earl of Fife's son and heir, George Dunbar, son and heir to the earl of March, the earl of Buchan, the lord Graham, John Stuart of Innermeth, Robert Maxwell of Calderwood, and Andrew Hall, parson of Lyfton, should escort the earl of Northumberland to the border, and receive for him, in exchange, the person of the earl of Fife, who was on his journey for that purpose. Some fresh provocations, which Henry received, broke off the agreement, and the earl of Fife attempted to escape; but, was retaken by one Pudsey, for which he received from Henry twenty pounds sterling a year, in land, during his life. The exchange, however, was completed towards the end of the year 1415, or the beginning of the next.

1415.
The siege of
Berwic at-
tempted.

The truce between the two nations being either broken or expired, at the time of Henry's departure for France, the Scots not only raised a great army, but provided a fleet and a train of artillery for besieging Berwic. This undertaking came to nothing, either through the excellent

tellent dispositions made by Henry, or his secret correspondence with the regent; and all that was done during the campaign was the burning of Penrith by the Scots, and of Dumfries by the English. The amazing battle of Agincourt, gained by Henry against the French, and his other successes in that country, made very little alteration in the affairs between Scotland and England; nor indeed was the splendor of his victories attended with proportionable consequences. The interposition of the emperor Sigismund was very agreeable to Henry, whose affairs in France were then distressed. That emperor came to Calais, and followed Henry into England, where he offered him a plan of an accommodation, which Henry was far from disliking; and a truce was accordingly resolved on between France and England, in which the Scots were included. This cessation of hostilities brought on a fresh treaty concerning the ransom of James. That prince had been lately put into the custody of Sir John Pelham, one of the worthiest knights in England, who was allowed seven hundred pounds a-year for his maintenance. The treaty for his ransom advanced so far, in 1416, that Henry agreed to his visiting Scotland, upon condition of his forfeiting a hundred thousand pounds sterling, if he did not return by a certain day. Hostages were required for the performance, and they were to consist of the following persons, Walter Stuart

A. D. 1415.

1416.

An ineffectual treaty

earl

A. D. 1456. earl of Athol, and lord of Brechin, Murdoc Stuart earl of Fife, John Stuart his brother, earl of Buchan, Henry, bishop of St. Andrew's, William, bishop of Glasgow, Alexander Stuart, earl of Marr and Garioch, Archibald earl of Douglas, Alexander Lindfay, earl of Crawford, George Dunbar, son and heir of the earl of March, and Sir William de Graham, every one of whom had a safe-conduct granted to himself, and to a retinue of forty persons, by the king of England, and Sir William Douglas of Drumlanrig, whose retinue consisted but of twelve. Henry had his reasons, which are foreign to this history, but consisted principally of the flattering prospect he now had of conquering France, for discontinuing this treaty; but no sooner was he embarked for his second expedition against that country, than the duke of Albany, and the earl of Douglas, entered into a private correspondence with the duke of Orleans, who was then in England, having been made a prisoner at the battle of Agincourt; and, notwithstanding his captivity, continued to have a great sway in the French government. This correspondence was managed by one Henry Talbot, a Yorkshire gentleman; but Henry, before his departure, had secured, in his interest, a favourite domestic belonging to the duke of Orleans, who privately gave him intelligence of all his master's motions.

The Scotch army was divided into two bodies, the one under the duke of Albany undertook the siege of Berwic, and the other under the earl of Douglas that of Roxburgh. The duke of Bedford, who was then regent of England under Henry, according to the historians of both nations, assembled an army, consisting of a hundred thousand men, of whom forty thousand, (if we are to believe what is reported by the duke of Exeter, who served in the same campaign,) were regular, well disciplined troops. I am inclined to believe, that those numbers were exaggerated, in order to daunt the Scots. The archbishop of York, the earls of Northumberland and Westmoreland, served under the regent duke of England, and the earl of Northumberland was entrusted with a division of the army against the Scots, who were employed in the siege of Berwic, which made a very gallant defence. The regent of Scotland hearing of the earl's approach, abandoned his enterprize, and retreated towards Scotland. The Scotch army, before Roxburgh, is said to have defeated the English in an engagement, the particulars of which have come to our hands; but that must be a mistake, for they followed the example of their countrymen before Berwic, and retreated to Scotland. Such are the lame accounts we have of this attempt, which was so ill concerted, that the common people of Scotland called it the Folle-raid, or the foolish expedition.

A. D. 1417.

A new war
breaks out.

A.D. 1417. **pedition.** This circumstance, which we have from the continuator of Fordun, and is by no means to be disregarded, gives great weight to the relations of the English, who say that the Scots were entirely baffled. On the other hand, there is the greatest reason for believing, that there was an under-hand correspondence between the English generals and the regent, or some of the heads of the Scots, because the latter, so far as we know, retired with little or no loss, and without being pursued. In the main, I am inclined to believe that the regent was not in earnest, and that he was forced upon the invasion by the impatience of the Scots, for the presence of their king.

1418.
Behaviour
of the Scots
in France.

Aber-
cromby.

Henry the fifth was at this time making a victorious progress in France, in which he was favoured by the unnatural divisions of that court; and in 1418, he made himself master of Rouen, the capital of Normandy. The chief resistance he and his friends encountered in the field, was from the Scotch auxiliaries serving there, and from the firmness of the dauphin himself. After the reduction of Normandy, all the towns of France submitted, almost to the gates of Paris, excepting Frefnoy, which had a Scotch garrison, commanded by Sir Thomas Quelfetray, and Sir William Douglas. Though they were deprived of all hopes of relief, they made several sallies upon the enemy. In one of them a hundred Scotchmen were killed; and the standard

standard of Sir William Douglas being taken, A. D. 1418.
it was hung up by Henry's orders, as a trophy,
in St. Mary's church at Rouen. The garrison
continued to make a brave defence; and, if we
are to believe the archbishop of Rheims, who
wrote the history of Charles the sixth, defend-
ed the place for sixteen months; nor would
Henry suffer it to be comprehended in any of
the various truces which he made with the
French and the duke of Burgundy at that
time. It was, however, at last forced to sub-
mit to the conqueror.

The dauphin of France being forsaken by his 1419.
parents, his relations, his servants, and subjects,
cast his eyes towards the Scots, the faithful
allies of his family, and sent, this year, the duke
of Vendosme to negotiate a new supply of
troops from that country. The regent duke of
Albany was now old and infirm, and insulted
by his eldest son Murdoc; but he had other sons,
who were men of honour and principle; and
there can be no doubt that, in all matters of
government, they took their directions from
James, who was now highly carested by Henry.
The duke of Vendosme's demand was for seven
thousand men, who were immediately raised,
and the command of them was given to John
earl of Buchan. The chief officers under him
were his brother Robert, Archibald earl of Wig-
ton, son to the earl of Douglas, Sir Alexander
Lindsay, brother to the earl of Crawford, and

A. D. 1420. Sir Thomas Swinton. The Castilians, who were the only allies besides the Scots, who countenanced the dauphin, sent him some ships, which carried over part of those auxiliaries from Scotland, towards the end of the year 1419, and the remainder in 1420. Henry had fitted out a large fleet in 1419, to intercept the Castilian fleet, but it landed safe at Rochelle.

Death of the
regent duke
of Albany.

On the third of September the regent duke died, being now fourscore years of age, in the castle of Stirling, and was buried at Dumfermling. If we except his ambition, and his desire to aggrandize his own family, few princes of that, or any other age, discovered greater qualifications for government than he did; and the wisdom of his administration alone preserved Scotland from the miseries in which it must have been otherwise involved, during her king's captivity. Some, as I have already hinted, have endeavoured to vindicate him from the charge of having murdered the duke of Rothesay, chiefly because, according to them, Boece is the first historian who mentions it, and as it is not taken notice of by Winton, who lived at the time; but the catastrophe of that unfortunate prince is very circumstantially related by Bower, or, as he is called by others, Bowmaker, who wrote before Boece *. As to the silence of Winton, who

* In the Harleian MSS of Fordun, and his continuator, Bower himself says, that he wrote in the year 1441, which is confirmed by

wrote about the year 1417, we are to remember A. D. 1420. that the regent was his friend and patron; and therefore it cannot be expected that Winton would charge him with so foul a crime, not to mention the danger to which he must have exposed himself. Even Bower is so cautious, that he says, "The prince was worn out by a dysentery, or, according to some, by hunger." In short, the whole complexion of the regent's administration proves, that he was by no means desirous of the king's return, or of resigning the government; and possibly, when we consider the titles he assumed to himself, he might revive, among his party, the old doctrine of the collateral succession. The flourishing state in which Scotland was in under his administration, the equality to which she was raised with England, and the other powers upon the continent; and above all, the large supplies she was enabled to send to her allies, are so many evidences of this regent's abilities. Before I close his character, I must observe one very extraordinary piece of policy he made use of, which was that of always keeping alive a pretender to the crown of England, in the person of the supposed Richard; for the last impostor of this kind, after leading a sequestered life, as has been hinted, under the mask of devotion, died pretty much about the same time with the regent himself.

by the MSS commonly called the Black-book of Paisley, which was carried out of Scotland by the lord Fairfax.

Such

A.D. 1420.
He is suc-
ceeded by
his son
Murdoc.

Such was the veneration of the public for the memory of the duke of Albany, that his post of regent devolved upon his eldest son Murdoc, though no way qualified for the station. There is not, perhaps, in history, a situation parallel to that of the Scotch nation at this time. Their favourite ally took part with their capital enemy, who was master of their king's person. The same ally had disinherited and proscribed his son, whose quarrel he espoused, and who was now tottering on the verge of ruin. Thus the Scots had the honour of, perhaps, being the first people who distinguished between the letter and the spirit of a treaty, in a manner which has immortalized their memories, even among their enemies. Undaunted by the power, and unwarpd by the arts, of the greatest and most ambitious prince of his age, and unawed even by the danger of their own king, whom they adored, they preferred good faith to all considerations; a conduct equally wise as virtuous. The French, it is true, never after were grateful enough to reward the services done them by the Scotch nation; nor had the latter served them only on their own account; for we are to consider that, had Henry become the peaceable possessor of their throne as well as that of England, Scotland must have become a province to both, without scarcely being able to make a struggle for her liberties.

The

The arrival of the Scotch auxiliaries gave so sudden a turn to the French affairs, that Henry became, all of a sudden, pacific, upon being offered, on the part of the French court, all his Norman conquests, and the territory ceded to England by the treaty of Bretigny. Henry, trusting to his being master of the person of James, demanded those territories in sovereignty; which was refused him, and the dauphin united with the duke of Burgundy against the English. Henry, however, continued still victorious on the side of Paris; but he received several checks from the Scots, who even threatened to besiege Bayonne, and were daily pouring reinforcements into France, by the Castilian transports. In the mean time, the duke of Burgundy was perfidiously murdered by the dauphin's orders, and the young duke joined with Henry in revenging his father's death; nor was there a person in France, at this time, so unpopular as the dauphin. At this juncture, nothing would have been so fatal to Henry's affairs as the arrival of the duke of Orleans (who continued to be still a prisoner in England) in France. Henry still received intelligence of his keeping a secret correspondence with the Scotch government, and therefore wrote the following curious letter to one of his noblemen in the north *, which,

A. D. 1420.
Henry's jealousy of the Scots.

* See Hearne's appendix to the Life of Henry the Fifth, by an author who calls himself Titus Livius, and who had a pension from Henry, as his historiographer.

though

A.D. 1420. though material to the Scotch affairs at this time, has been omitted by all their historians. "Furthermore, I wrote, that ye commend with my brother, with the chancellor, with my cousin of Northumberland, and my cousin of Westmoreland, and that ye set a good ordinance for my north marches, and especially for the duke of Orleance, and all the remanant of my prisoners of France, and also for the king of Scotland. For, as I am secretly informed, by a man of a right noteable estate in this lond, that there hath been a man of the duke of Orleance in Scotland, and accorded with the duke of Albany, that this next summer he shall bring in the manuel militia of Scotland, to stir what he may; and also that there should be founden ways to the having a way, specially of the duke of Orleance; and also of the king, as well as of the remanant of my foresaid prisoners: that God do defend. Wherefore I wole, that the duke of Orleance be kept still within the castle of Pomfret, without going to Robert's place, or to any other disport. For it is better he lack his disport, than we were disfeyned of all the remanant. Do thus ye thinketh."

Treaty of
Troyes.

From this letter we perceive, that some dispositions had been made for James escaping from his confinement; but the treaty of Troyes, which soon followed, placed Henry at the summit of his ambition, by his being solemnly acknowledged by all but the dauphin's party, which

which was then very considerable in France, A.D. 1429 the regent and heir of that kingdom; the treaty being guarantied by the emperor Sigismund, the palatine of the Rhine, and the duke of Bavaria, who became parties with Henry against the dauphin. The latter had, by the assistance of the Scots, garrisoned Melun, Montereau, Montargis, Meux, and Compeigne; and he stormed Pont d'Esprit in Languedoc. Having likewise reduced Nismes, he ordered a general rendezvous of all his troops to be held at Bourges in Berry. This gave a slight check to Henry's arms; but he soon recovered Montereau, and made dispositions for besieging Melun. As this place was of itself strong, and defended by a good garrison, under a brave officer, Henry had sent for reinforcements from England, under his brother, the duke of Bedford, who, by his orders, brought over with him, at the same time, the king of Scotland. Upon his arrival at the English camp before Melun, Henry put him in mind of the obligations he lay under to himself and his father, and acquainted him, that he might now purchase his liberty, if he would publish an order, under his hand, requiring all the Scots to depart out of France. The answer of James, Magnanimity of James. in this trying situation, was polite, but, at the same time, magnanimous, and truly royal; being, according to the best authorities, to the following effect: "That as to the entertain-

A. D. 1420.

ment he had received, thanks and gratitude were all the retribution which his capacity suffered him to make : that his majesty's request was unreasonable, because his subjects would look upon it as the effects of compulsion : but, supposing himself to be free, his majesty must have the meanest opinion of him, if he should put any consideration in competition with the happiness of his people : and concluded with conjuring Henry not to require of him things that must dishonour his character, and belye the education and the noble examples he had received at the English court."

Conduct of
the king of
England.

Henry appeared ashamed to press his unmanly request farther, but he did not fail of making all the advantage he could of his royal prisoner ; nor were all the Scots, at this time, united in their sentiments. Many of them obtained passports from Henry to repair to France, that they might form a body-guard to their young king. Among those the chief was Sir William Douglas of Drumlanrig, who received a safe-conduct from Henry to go to France with twenty in his company ; but with this remarkable proviso, " That they should do nothing prejudicial to him (the king of England) or to his dearest father, the king of France." From this proviso it is plain, that the errand of Douglas to France was not to serve in the English army, but to attend his master. The lord Gordon carried with him
forty

A. D. 1430.

forty lances and an hundred horſe; the lord Forbes was attended by the ſame number; Sir Alexander and Sir Fergus Kennedy by thirty lances and fixty horſe; Sir John Sinclair by as many, and two eſquires; Sir William Blair and John Winton by a retinue of twelve perſons each; and all of them prepared to go to France to receive their ſovereign's commands. Whether they actually arrived there does not appear; but it is certain, that ſome of them attended James, and were at leaſt ſpectators of Henry's warlike operations. Their unſeaſonable loyalty gave James great uneaſineſs. He could not order them to depart France without groſſly affronting Henry, and acting inconſiſtently with his own declaration. Henry, on the other hand, made a moſt ungenerous uſe of their zeal for their king's perſon; for he declared, that all the Scots in the dauphin's ſervice were rebels to their lawful ſovereign, and he would treat them as ſuch, wherever they fell into his hands.

It was not long before he had an opportunity of putting his barbarous menace into execution. The town and caſtle of Melun, after a brave reſiſtance againſt continued attacks for eighteen weeks, was obliged through famine to accept of a capitulation; one of the articles of which was, "That all the Engliſh and Scots in the place ſhould be reſigned to the abſolute diſpoſal of the king of England;" and Henry

His cruelty
to the Scots
in France.

A.D. 1421. actually ordered twenty Scotch foldiers to be immediately hanged up as rebels, besides violating the capitulation in other respects. It does not appear, that James was along with Henry when he made his entry, as regent of France, into Paris; but he certainly returned with him to England in the year 1421. Upon his arrival there, he heard that the Scots under the earl of Douglas had made an irruption into England, from whence they had carried off an immense booty, after burning Newark; that they had been forced, by a pestilence then raging in the north of England, to return to their own country; but that it was expected every day they would renew their invasion. Henry's sentiments with regard to the Scots were, by this time, greatly altered. Instead of making reprisals by fire and sword, he made a peaceable progress with his beautiful queen to York, where he invited the earl of Douglas to a conference in April; and the earl agreed to serve him, during life, by sea or land, abroad or at home, as often as required, against all living (his own liege-lord, the king of Scotland, being excepted) with two hundred foot, and as many horse, and that at his own charges; the king of England allowing him a yearly revenue of two hundred pounds, for paying his expence in going by sea or land to the army. I shall not attempt to defend this treaty, though the measure may certainly be
alle-

alleviated by its being made with the consent of James.

A. D. 1431.

That prince, we may reasonably suppose, was, by this time, tired of his long captivity. Henry, at the same time he made his agreement with the earl of Douglas, declared, that he was resolved to carry James once more with him into France; but he promised, that three months after their return from that kingdom, he should be at liberty to reside, for a certain time, in his kingdom of Scotland, upon Henry's receiving the following noblemen as hostages for his return. These were, Walter Stuart earl of Athol; Walter Stuart, son and heir of the duke of Albany; Thomas earl of Murray, William earl of Angus, Alexander earl of Crawford, William earl of Orkney; the bishops of St. Andrew's, Glasgow, Dunkeld, and Murray; James Douglas, second son to the earl of Douglas; Robert lord of Erskine, William Hay, lord of Errol, and constable of Scotland; Robert Stuart, lord of Lorn; James Sandilands, lord of Calder; Malcolm Fleming, lord of Biggar; James Hamilton, lord of Cadzow; Thomas Boyd, lord of Kilmarnock; Robert Keith, marshal of Scotland; and William Borthwick, lord of Borthwick.

A new negotiation with the Scots.

During Henry's residence in England, the Norman and Anjovine nobility declared for the dauphin; and the latter were protected by the Scots, who lay in their duchy. The duke

Battle of Baugy gained by the Scots.

of

A. D. 1421. of Clarence, brother to Henry, then commanded the English army in France; and resolving to strike some important blow during his brother's absence, advanced towards Baugy, intending to besiege it. The earl of Buchan, hearing of his march, called in his parties under the earl of Wigton and la Hire, a French officer, with an intention to fight the duke. The Scots were then encamped about four miles from Baugy, at a town where they intended to celebrate Easter; and the duke, instead of besieging Baugy, marched to Beaufort in the neighbourhood, in hopes of surprising the Scots. The earl of Buchan, suspecting his intention, dispatched his cousin, Sir John Stuart of Darnley, with about forty picked horsemen, to observe the enemy's motions. This party falling in with the whole English army, escaped back to the Scotch camp with great difficulty; and the earl of Buchan had just time to send Stuart of Railstone, with a small detachment, to make sure of a small bridge, which was the only passage over the deep rapid brook of Baugy. Stuart had the good fortune to take possession of the bridge, from whence the duke of Clarence fought to dislodge him; but he being reinforced by two hundred Scotchmen, under Hugh Kennedy, gained so much time by a brave resistance, that before the duke could force his passage over the bridge, the earl of Buchan was prepared to receive him in a field
in

in the neighbourhood of Baugy. The duke A. D. 1421. incautiously continued the pursuit of Stuart's party; and falling in with the advanced guard of the Scots, consisting of no more than two hundred men, commanded by the earl of Buchan himself, he was singled out by Sir Thomas Swinton, who wounded him in the face with his lance, and then he was dispatched by the earl of Buchan's mace. The battle then became general and bloody; but the English were totally defeated, with the loss of sixteen hundred and seventeen (though the French and some Scotch historians make them amount to three thousand) men. Among the killed, on the part of the English, besides the duke of Clarence, were the earl of Kent *, with the lords Roos and Grey of Codnor. The chief of the prisoners were the earl of Somerset (who was taken by one Laurence Vernor, a Scotch gentleman, and afterwards a knight); the earl of Huntingdon (who was taken by one Sir John Lyon †); the earl of Strafford, who was likewise count of Perche in France; the lord Thomas, brother to the earl of Somerset, whose sister was afterwards married to James; and the lord Fitz-Walter, who was taken by Henry

* His death is not mentioned by some of the English historians; but Bower makes mention of an earl of Riddefdale, who was slain in this action.

† Called by Bower Lyon-Bold; but I suspect the latter syllable to have been only an epithet.

A. D. 1422. Cunningham, a Scotchman. This action cost the Scots no more than twelve men. When the news of the English defeat was carried to pope Martin the fifth at Rome, his reflection upon it was, "That the Scots had always been excellent antidotes to the English *."

Its consequences.

This defeat at Baugy is attributed to the impetuosity of the duke of Clarence, who refused to take the earl of Huntingdon's advice, by waiting for the reinforcements that were on their march under the earl of Salisbury. These accordingly came up before the battle was quite over; but all they could do was to favour the retreat of their countrymen, and to carry off the duke of Clarence's body †. Upon this victory, the dauphin gave the sword of constable of France to the earl of Buchan, who immediately formed the siege of Alençon. The earl of Salisbury attempted to raise it, but was defeated, with the loss of some hundreds of his men. All the glorious services of the Scots to the French served only to encrease the malice

* This bon mot, if it is such, is preserved in the two following monkish rhymes.

Pontifex supremus Martinus fert vice quintus,
Antidotum Scoti Anglorum sunt bene noti.

† I have, in my account of this battle, chiefly followed Bower, whose narrative agrees with the best historians of the time. Later English writers pretend, that the Scots and French lost eleven hundred men in the action. It is true, the disproportion of the numbers slain on both sides is very great, but not so great as we find in many English relations of battles lost by the Scots to the English.

and

and envy of the latter towards their brave deliverers, whom they called, "guzzlers of wine, and guttlers of mutton." The dauphin was in no condition to resent those insults against his allies, which were thrown out in his own presence. But, after the battle of Baugy, calling them before him, "What do you now think, gentlemen, said he, of the Scotch guzzlers of wine, and guttlers of mutton?" We have reason, however, to believe, that the malice of their French enemies was carried farther than railing; for it is certain, that the Scots were obliged to raise the siege of Alençon, because they were not furnished with artillery to carry it on. After the siege was raised, the constable and the earl of Wigton took up their quarters at a place called by Bower Chatillon, from whence they continually harraßed the English, recovered several places for the dauphin, and performed many noble feats of war.

Henry, about this time, arrived in France with thirty thousand fresh troops, carrying with him the king of Scotland. This army, joined with the English already in France, proved irresistible, and bore down all before it. Among other places, he took Méaux by capitulation; but hanged up all the Scots he found in the garrison. After an uninterrupted course of victories, all of which are foreign to this history, he fell ill at Senlis, and was carried to Vincennes, where he expired. The

1422.
Death of
Henry the
fifth of Eng-
land.

A. D. 1422. Scotch historian, Bower, according to the superstition of the times, attributes his mortal illness (which proved to be a fistula, or inflammation of the anus) to his violating the shrine of Fiacre, a Scotch saint, whom I have mentioned in a former part of this history. The same, with other ridiculous particulars of the like kind, have been related by modern French historians, who ought to have been better instructed. The truth seems to be, that Henry's cruelty in putting his enemies, especially the Scots, to death in cold blood, gave great offence, even to the French of his own party. After he had taken Meaux, he ordered part of his army to attack the sanctuary of St. Fiacre, to which, on account of the reputed sanctity of the place, the country people had driven their cattle and effects, which the English not only carried off, but struck off the head of the French officer who had them in charge, and put about three hundred of the inhabitants to the sword. The physicians who attended Henry in his last illness, not rightly comprehending the nature of his disease, ascribed it to his violating the shrine of St. Fiacre. "Wherever I go, replied Henry, knitting his brow, I am bearded by Scotchmen, either alive or dead *." All we can gather from the whole is, that Henry died

* Ad hæc rex torvo vultu & ferali voce respondit, *Quocunque perrexero, tam vivos Scotos quam defunctos in barbam meam reperio.* I suspect that St. Fiacre's true name was Fergus.

of a disease then called, by the French, St. A. D. 1422.
 Fiacre's evil, which might strike his ignorant
 physicians with superstitious notions. His death
 was followed by that of his father-in-law,
 Charles the sixth of France; and he himself
 was succeeded in the crown of England by his
 son, Henry the sixth, who was crowned king
 of France likewise, while he was in his cradle.

The dauphin now assumed the title of Charles
 the seventh; but his situation was little bet-
 tered by the death of Henry the fifth, whose
 two brothers, the dukes of Bedford and Glou-
 cester, the former regent of France, and the
 other of England, supplied his place with great
 abilities; and their success was such, that king
 Charles, through the greatest part of France,
 went under the mock title of "The Little King
 of Bourges," the only place of any consequence
 that now acknowledged his authority. He
 was, at this time, not much above twenty
 years of age; and all his hopes lay, as before,
 in the friendship of the Scots, and the growing
 dislike of the French towards their English
 masters. After the battle of Baugy, the Scotch
 auxiliaries, among other places, took Avranches;
 but Bower says, that they suffered the English
 garrison to depart with their horses and arms.
 This possibly was owing to the capitulation;
 otherwise, considering the provocations the
 Scotch auxiliaries had met with from the Eng-
 lish, who treated them as rebels, we can scarce-

Continua-
 tion of the
 war in
 France.

A.D. 1422. ly suppose they would have been so moderate. The large preparations making by the duke of Bedford to continue the war, induced Charles to apply to the constable and the earl of Wigton (who, about this time, were preparing to set out for Scotland on their private affairs) to solicit a fresh supply of men for his service. The constable, who went to finish a marriage he had concluded with the earl of Douglas's daughter, promised him all his interest in this solicitation; and; upon his arrival in Scotland, he not only prevailed with the states to vote a supply of eight thousand fresh auxiliaries to Charles, but with his new father-in-law, the earl of Douglas, to accept of a command in the French service. During the absence of those two great men in Scotland, Stuart of Darnley, the earl of Buchan's near relation, commanded the Scotch auxiliaries in France; and was rewarded by Charles, about this time, with the lordship of Aubigny, and two other very fine estates, Ernette and Concreffant.

Disorder of
affairs in
Scotland.

The internal affairs of Scotland were, at this time, in a miserable situation. The regent duke had neither spirit nor abilities for governing even his own family. The nation became now more uneasy than ever at the detention of their king in England. Being no longer influenced by the great capacity of the late regent, so total an anarchy prevailed all over the kingdom, that Murdoc thought he had now no safety

safety but in recalling James, to which he devoted himself in good earnest; and in this he was assisted by the arrival of his brother the constable, and the disposition of the earl of Douglas. That nobleman's engagements with Henry the fifth had been cancelled, either by the death of that monarch, or by the English regent's refusing to fulfil them. Perhaps he was not a little influenced by the title of duke of Touraine, which, with the duchy, was now offered him by Charles, and actually soon after invested in him; but be that as it may, he undertook to carry over to France five thousand of the fresh auxiliaries, and another of his sons; in place of the earl of Wigton, who was indisposed.

The successes of the English arms still continued in France; and early in the year 1423, the earl of Salisbury surprised the strong pass of Crevante, upon the river Younne, six miles above Auxerre. The lord d'Aubigny was then marching to support Charles's arms in Champagne; but received, as he was preparing to pass the Loire at Sien, orders from that prince, either to save or to retake Crevante. This order obliged d'Aubigny to alter his route; which the duke of Bedford understanding, he sent the earl of Salisbury a strong reinforcement under the marshal of Burgundy, with orders to risk every thing in defence of the place. Charles, upon this, was so ill-advised as to send the
marshal

1423.
The Scots
defeated in
France.

A. D. 1423. marshal Severac to take upon him the chief command, with a body of raw, undisciplined, men, by which the whole amounted to about fourteen thousand, of whom, it is agreed by all historians, only the five thousand Scots were soldiers. Charles, sensible of this, had ordered the marshal, if possible, to avoid a general engagement, as they were between the enemy and the town. The earl of Salisbury's army was as numerous as that of the confederates, but composed of the flower of the English and Burgundian troops then serving in France. The disposition made by the confederates was such, that the earl of Salisbury could not attack them with any probability of success, and therefore made a feint to get between them and the place. This occasioned an obstinate dispute about the possession of a bridge, which drawing the attention of the French to that side, the English took the opportunity of fording the river, and gaining the opposite bank.

While the dispute at the bridge lasted, the marshal Severac was busied in ordering the retreat of his master's troops, who he knew could not stand an engagement; and marching off at their head, he left the Scots to make head against all the English army. They were joined by a few brave French officers, who admired their courage; but, after an obstinate dispute, twelve hundred of them were cut in pieces, and d'Aubigny made a prisoner. Several Scotch officers

officers of distinction were in the number of the slain, as were the French earl of Ventadour, and the Sieurs Bellai and Gammaches. The loss of the English amounted to about five hundred, besides some of their best officers. The gaining this battle by the English was attended with very disagreeable consequences to the affairs of Charles in France.

The regent duke of Bedford was become, by this time, sensible of his brother's mistaken conduct towards the Scots; and that it was impossible for the English affairs in France to prosper, if Charles should continue to receive fresh reinforcements from Scotland. He had, in the beginning of his regency, treated the Scots whom he found in arms on the side of Charles with the same severity, or rather cruelty, that had been practised by Henry; but being now convinced of his error, he would have immediately set James at liberty, had it been in his power; but he was obliged to take the sense of the English council. It does not appear, that the earl of Douglas had, at this time, left Scotland. He had, on the nineteenth of April, been created duke of Touraine, and lieutenant-general of all the troops in France, natives as well as Scotch. He had likewise formally renounced his engagements with the English crown, and had taken an oath of fidelity, as duke of Touraine, to Charles, promising to maintain, within the dukedom, all the

A. D. 1423.

The duke
of Bedford
favours
James.

A. D. 1423. the rights of the crown, with respect to coinage of money, aids, subsidies, and levies of men. The earl of Buchan, who seems to have been a statesman as well as a general, performed a still greater service to Charles. After the departure of the earl of Douglas, he carried into execution as bold a measure as the annals of any people can boast of. The loss of the Scots at the battle of Crevante, the detention of their king, and the rapid progress of the duke of Bedford's arms, served only to exasperate them against the English government; and they courted every opportunity of revenge. Charles had taken care to send along with the earl of Buchan certain trusty agents, with full powers to ratify whatever should be concluded in his name; and the earl found the regent, his eldest son Walter, the earl of Athol, with all the leading men, barons, and prelates of Scotland, entirely disposed in favour of France. In the month of October, at a meeting of the states, and in presence of the French ambassadors, the whole assembly took an oath, that they would preserve the old league with France inviolably; that they would assist Charles in his wars not only with the English, but with other nations, with whom they would not, without his consent, even conclude a truce. To this oath was added an engagement, that their king should ratify, upon his return, all that they had undertaken.

A new
convention.

This

This transaction opens to us the true principles of that Scotch loyalty which has been so boasted of by the Mackenzies, Abercromby, Innes, and their other historians, advocates for arbitrary power, which they conceive to be the object of loyalty. The Scots, of the time I now treat of, and in the days of Robert Bruce, as appears from their celebrated letter to the pope, had different notions of that abused word. They knew no use of a king but to preserve the rights and independency of his subjects; and they always shewed themselves ready to resign whatever could be dear to them, for such a prince. Their best kings, on the other hand, had never entertained an idea of any other constitution prevailing in Scotland; nor ever thought of enforcing any measure that was disagreeable to the states of the kingdom. Thus the Scots may be said to have been loyal to their kings, because their kings were loyal to their laws. The obligation they entered into, at this time, was perfectly conformable to the declaration of their ancestors in the letter I have so often mentioned, that, if the king should not act according to their laws and constitutions, they would drive him from his throne, and place another in his room. In consequence of this great principle, they knew they were well founded, when they undertook that the king should make good their engagements, because, if he did not, they

A. D. 1423.
Principles
of Scotch
loyalty.

A.D. 1423. knew that they had the remedy in their own hands *.

Treaties by
which
James ob-
tained his
liberty.

The spirit of the English government seemed to subside in proportion as that of the Scotch rose. James was now highly cared for, and at his own liberty, within certain bounds. The English even consulted him about the manner of conducting the treaty for his ransom; and one Dougal Drummond, a priest, was sent with a safe-conduct for the bishop of Glasgow, chancellor of Scotland, Dunbar, earl of March, John Montgomery of Ardrossan, Sir Patric Dunbar of Bele, Sir Robert Lawder of Edrington, Sir William Borthwic of Borthwic, and Sir John Forrester of Corstorphia, to have an interview, at Pomfret, with their master the captive king of Scotland, and there to treat of their common interests. Most of those noblemen and gentlemen had before been nominated to treat with the English about their king's return; and Dougal Drummond seems to have been a domestic favourite with James. While that prince was making ready for his journey, his equipages and attendants were increased to those befitting a sovereign; and he received a present from the English treasury of a hundred pounds,

* Modern Scotch historians have placed the invasion of England, which I have already mentioned, and was called the Fulcraid, at this period; but I have followed Bower, as the surest, because the oldest guide.

for

for his private expences. That he might appear with a grandeur every way suitable to his dignity, at every stage were provided relays of horses, and all manner of fish, flesh, and fowl, with cooks, and other servants, for furnishing out the most sumptuous royal entertainment. In this meeting at Pomfret, James acted as a kind of a mediator between the English and his own subjects, to whom he fully laid himself open; but, in the mean time, the English regency issued a commission for settling the terms upon which James was to be restored, if he and his commissioners should lay a proper foundation for such a treaty. The English commissioners were the bishops of Durham and Worcester, the earls of Northumberland and Westmoreland, the lords Nevil, Cornwall, and Chaworth, with Master John Wodeham, and Robert Waterton. The instructions they received form one of the most curious passages of this history; and I shall here give them, as they are necessary for confirming all I have said concerning the dispositions of the two courts at this juncture.

Rymer, vol.
X. p. 294.

First, To make a faint opposition to any private conference between the king of Scotland and the Scotch commissioners.

Secondly, To demand that, before the said king shall have his full liberty, the kingdom of Scotland should pay to the English government

A. D. 1423. at least thirty-six thousand pounds as an equivalent, at two thousand pounds a year, for the entertainment of king James, who was maintained by the court of England, and not to abate any thing of that sum; but, if possible, to get forty thousand pounds.

Thirdly, That, if the Scots should agree to the payment of the said sum, the English commissioners should take sufficient security and hostages for the payment of the same; and that if they should not (as there was great reason for believing they would) be so far mollified, by such easy terms, as to offer to enter upon a negotiation for a final and perpetual peace between the two people, that then the English should propose the same, in the most handsome manner they could. Farther, that if such difficulties should arise, as might make it impracticable immediately to conclude such perpetual peace, that the English ambassadors should, under pretence of paving a way for the same, propose a long truce.

Fourthly, That, in case the English commissioners should succeed in bringing the Scots to agree to the said truce, they should further urge, that they should not send to Charles of France, or any of the enemies of England, any succours by sea or land. Farther, that the said English commissioners should employ their utmost endeavours to procure the recal of the troops

troops already furnished by the Scots to France. A.D. 1423.
The English are commanded to insist very strenuously upon the point, but with discretion.

Fifthly, If the Scots should, as a further bond of amity between the two nations, propose a marriage between their king and some noblewoman of England, the English commissioners are to make answer, "That the king of the Scots is well acquainted with many noblewomen, and even those of the blood royal in England; and that, if the king of the Scots shall please to open his mind more freely on that head, the English commissioners shall be very ready to enter upon conferences thereupon. But (continues the record) in case the Scotch commissioners should make no mention of any such alliance by marriage, it will not appear decent for the English to mention the same, because the women of England, at least the noblewomen, are not used to offer themselves in marriage to men.

Sixthly, If there should be any mention made concerning reparation of damages, that the commissioners should then proceed upon the same as they should think most proper; and that they should have power to offer safe-conduct to as many of the Scots as should be demanded for to repair to the court of England. Those instructions are dated at Westminster, July 6, 1423.

From

A.D. 1423. From those instructions it appears, that the English fought, at this time, to buy the friendship of the Scots almost at any rate. They even dropt all demands of ransom for James, because these might have brought on disputes concerning the legality of his capture and detention, which they were willing to avoid. They likewise dropt all their unjust distinctions concerning the Scots serving in France; for they admitted them, on the very face of the treaty, to be auxiliaries. Nothing definitive was concluded at this treaty, but that another meeting should be held at York instead of Pomfret. This meeting accordingly took place. The English commissioners were, Thomas bishop of Durham, chancellor of England, Philip, bishop of Winchester, Henry Piercy, earl of Northumberland, and Mr. John Wodeham. Those for Scotland were William bishop of Glasgow, George earl of March, James Douglas of Balveny, his brother, Patric, abbot of Cambuskenneth, John, abbot of Balmerino, Sir Patric Dunbar of Bele, Sir Robert Lawder of Edrington, Mr. George Borthwie, archdeacon of Glasgow, and Patric Houston, canon of Glasgow. On the tenth of September, after their meeting, they came to the following agreement:

First, That the king of Scotland, and his heirs, as an equivalent for his entertainment while in England, should pay to the king of Eng-

England, and his heirs, at London, in the church of St. Paul, by equal proportions, the sum of forty thousand pounds sterling. A.D. 1423.

Secondly, That the first payment, amounting to the sum of ten thousand merks, should be made six months after the king of Scotland's entering his own kingdom; that the like sum should be paid the next year, and so on during the space of six years, when the whole sum would be cleared; unless, after payment of forty thousand merks, the last payment of ten thousand should be remitted at the entreaty of the most illustrious prince, Thomas duke of Exeter.

Thirdly, That the king of Scotland, before entering his own kingdom, should give sufficient hostages for performance on his part. But, in regard that the Scots plenipotentiaries had no instructions concerning hostages, it was agreed,

Fourthly, That the king of Scotland should be at Branspath, or Durham, by the first of March next, where he should be attended by the nobles of his blood, and other subjects, in order to fix the number and quality of the hostages.

Fifthly, That, to cement and perpetuate the amity of the two kingdoms, the governor of Scotland should send ambassadors to London, with power to conclude a contract of marriage between the king of Scotland, and some lady of the first quality in England.

James,

A.D. 1423.

His marriage

James, it is probable, had already fixt his choice upon the lady Joan, daughter to the late earl of Somerset, who was son to John of Gaunt, duke of Lancaster, by his second marriage; but he made his people the compliment, not only of consulting their opinion, but of concluding the match. The commissioners, after their agreement at York, proceeded toward London; and Thomas Somerville of Carnwarth, with Walter Ogilvy, were added to their number. Being arrived at that capital, they ratified the former articles, and undertook for their king, that he should deliver his hostages to the king of England's officers, in the city of Durham, before the last day of the ensuing month of March; that he should also deliver to the said officers four obligatory letters, for the whole sum of forty thousand pounds, from the four burghs of Edinburgh, Perth, Dundee, and Aberdeen; that he should give his own obligatory letter to the same purpose, before removing from Durham, and should renew the same four days after his being arrived in his own kingdom; that the hostages might be changed from time to time for others of the same fortune and quality; that if any of them should die in England, others should be sent thither in their room; and that while they continued to stay in England, they should live at their own charges.

From



JAMES I.

1

2

3

4

A. D. 1423.

From this indenture we may rationally conclude, that the trade of Scotland must have been considered in England, at this time, as being in a very flourishing condition, as the security of four towns was looked on as sufficient for the payment of so great a sum as forty thousand pounds. This demand, it is true, amounted to more than what we find to have been the stated allowance to James from the court of England during his residence there, and has been, by the Scotch historians, generally stated as an arbitrary over-charge of the English. I can, by no means, be of that opinion; for the surcharge might very possibly arise from the private debts contracted by James above his allowance by the government, of which the latter might undertake, to his creditors, to obtain payment; a method that, to this day, is common in negotiations of that kind, because simple individuals have no other method of obtaining payment of their debts, from a sovereign prince, than by applying to the government. The cardinal of Winchester, who was uncle to James's bride, and had a principal hand in this negotiation, was by far the richest subject then in England, or, perhaps, in Europe. As James was a great favourite with him, we may reasonably suppose that he advanced him the money in difference, which we do not find was disputed by James, or his subjects.

A. D. 1424.
celebrated.

The marriage of James with the lady Joan Beaufort, eldest daughter to John earl of Somerset, and of Catharine, daughter to Thomas Holland earl of Kent, was performed in the priory of St. Mary Overy, in Southwark, on the first or second of February 1424; the young king of England, with the consent of his council, having presented James with a suit of cloth of gold for the marriage ceremony; and next day he received a legal discharge of ten thousand pounds, to be deducted from the forty thousand pounds, as the marriage-portion of the king of England's dear cousin Joan. This ceremony being performed, James and his queen set out for Durham, where the hostages were waiting. The whole of this transaction discovered the spirit of the English council to be as impolitic as it was mercenary. Instead of endeavouring to bind James by the ties of honour and gratitude, they required him, after his arrival at Durham, where his hostages were waiting, to give in the valuation of the yearly rents of their estates, which was complied with; and they appear, from the record published by Mr. Rymer, to have been as the reader will find in the note *. They even obliged James to provide

Hostages for
James.

		Yearly Revenues.	
		Merks	Sterling.
* David, eldest son and heir of Athol	- - -	-	1200
Thomas earl of Murray	- - -	-	1000
Alexander earl of Crawford	- - -	-	1000
Duncan Campbell, lord of Argyle	- - -	-	1500
		William	

a fet of substitute, or secondary hostages, who were to supply their principals in case of death, or other accident *. The sums annexed in the notes, to the name of each hostage, is understood to be sterling, or English, and not Scotch, currency. The records from which those lists are taken being of undoubted authority, it ascertains the rentals of the immense estates (when we consider the great difference in the value of money between that and the present times) then possessed by the great land-

Yearly Revenues.

Merks Sterling.

William Douglas, son and heir of the lord of Dalkeith	1500
Gilbert, son and heir of William Hay, constable of Scotland	800
Robert Keith, marshal of Scotland	800
Robert Erskine, lord of Erskine	1000
Walter lord of Dirlton	800
Thomas Boyd, lord of Kilmarnock	500
Patric Dunbar, lord of Cumnock	500
Alexander lord of Gordon	400

Yearly Revenues.

Merks Sterling.

* These were, William lord of Abernethy	500
Hugh Frazer, lord of Lovat, his evaluation is not set down	
James Dunbar, lord of Frendraught	500
Andrew Gray, lord of Fowlis	600
Robert Levington, lord of Levington	400
John Lindsay	500
Robert de Lyle	300
James lord of Calder	400
James Hamilton lord of Cadzow	500
William lord de Ruthven	400
William Oliphant, lord of Abridalg, his evaluation is not set down	
Robert, son and heir of lord Robert de Maitland	400
David Menzies	200
David Ogilvy	200
Patric, son and heir of lord John Lyon	300

A. D. 1424. holders of Scotland. The delivery of the hostages was duly executed, and it is almost incredible, that such a number of illustrious noblemen and gentlemen should thus voluntarily make a resignation of their liberties to an ungenerous enemy ; nay, that others were emulous of that honour. This public spirit could only proceed from the sense they had, that the return of James to his native dominions was the only means of delivering their country from the anarchy under which she groaned, through the weakness of the regent. The insults he suffered from his own family, (even to one of his sons wringing off the head of his favourite hawk,) is said to have made him zealous for the restoration ; and we are told he threatened his sons, that since he could not govern them, he was resolved to bring home one who should govern him and them likewise. Some English writers, Hollinshed in particular, have forged an oath of homage and fidelity, which James, as king of Scotland, swore to Henry as king of England ; but this calumny is so gross, that it is disowned by the best English historians, and is undeserving of a particular refutation.

Besides the hostages I have already mentioned, the following noblemen and gentlemen attended James at Durham ; the earls of Lenox, Wigton, and Strathern, John Semple of Eleston, Maxwell of Carlaverock, Herries of Terregles, Stuart of Bute, Kennedy of Carric, Cunningham
of

of Kilmawrs, Campbel of Loudon, David Lesly A. D. 1424. of Lesly, Lawder of Bafs, Sir Alexander Forbes, Patric Houfton, Walter Ogilvy, Levingfton of Kallendar, Hay of Yefter, Crichton of Crichton, Drummond of Cargill, Weems of Reirefs, Ramfay of Dalhoufie, Borthwic of Heriot, and others. Upon the arrival of James in his own country, he punctually executed all the remaining part of his engagements with the Englifh court, particularly with regard to the collateral security for the fums ftipulated by the four towns of Scotland.

Carte, and other Englifh hiftorians, have intimated that James, before his marriage, had agreed to a truce with the Englifh. But that was far from being the cafe, for never did any tranfaction pafs with a greater fhew of equality, between two kingdoms, than that of his redemption, and the meafures which attended it. James, in fact, knew that he was not at liberty to take any ftep of that kind, nor could the Englifh government prefs it without the concurrence of his ftates. When the affair came before them, they refufed to abandon their engagements with France, by agreeing to a definitive treaty; but offered, in confequence of what had been concerted between them and the French king, to conclude a truce for feven years, that is, from the firft of May 1424, to the fame day 1431, being only one year after the payment of the ftipulated debt, and the release
of

who is fet
at lib.erty.

A. D. 1424. of his hostages. Even in concluding this truce, the Scots were so observant of their engagements with the French king, that the auxiliaries of their nation, then serving in France, were excepted from it by the following clause, "That, in regard, several of his subjects, who were in France, could not be hindered from waging war against the king of England; he should protest and declare, that he had no intention to answer for their deeds, nor meant to have them comprehended in the truce agreed to, till they should return to their own country; in which case, he promised to restrain them committing any more hostilities, while the truce should last." The conservators of this truce, on the part of England, were the dukes of Gloucester and Exeter, the earls of March, Warwic, Northumberland, and Westmoreland, the lords Willoughby, Umphraville, and others. They for Scotland were the duke of Albany, earls of Athol, Marr, Wigton, and March, lord Gilbert Hay, constable of Scotland, John lord of Seton, James Douglas, lord of Dalkeith, and John Forrester. Those noblemen, on both sides, had each of them full power of keeping the peace, and punishing all breaches of it within their respective districts.

James the
first.

James the first was, by orders of the court of England, attended to his own dominions with great pomp, by the earl of Northumberland, and the chief of the northern nobility.

bility. Upon his arrival at Edinburgh, where A.D. 1424. he kept his Easter, he was received with inexpressible raptures of joy by his subjects, and additional hymns of thanksgiving were sung in the churches for his deliverance. On the twentieth of April, he was crowned at Scone; Murdoc duke of Albany, late regent, having, as being earl of Fife, placed him in the royal chair, while the bishop of St. Andrew's performed the ceremony of anointing and crowning him and his queen. James, when the solemnity was over, followed the ceremony practised by the chief courts of Europe on the like occasions, by knighting the following noblemen and gentlemen, Alexander Stuart, the youngest son of the duke of Albany, Archibald earl of Douglas, William Douglas earl of Angus, George Dunbar earl of March, Alexander Lindsay earl of Crawford, Adam Hepburn of Hales, Thomas Hay of Yester, or Lochinwaret, Alexander Seton of Gordon, Walter Hallyburton of Dirlton, Patric Ogilvy of Ouchterhouse, David Stuart of Roseyth, John Stuart of Dundonald, John Stuart of Cairdin, William Erskine of Kinnoull, David Murray of Gask, William Crichton of Crichton, William Hay of Errol, constable of Scotland, John Scryvingeour, constable of Dundee, Henry Maxwel of Carlaverock, Herbert Herres of Terregles, Robert Cuninghame of Kilmawrs, and Alexander Irvine of Drum. I am
now

A. D. 1424 now to attend the events of the war upon the continent, in which the Scots were so deeply engaged.

Continuation of the war in France.

During the dependence of the treaty for the return of James, the people of Scotland apprehending that they might afterwards be put under difficulties in serving against the English, repaired to France in such numbers, that towards the beginning of the year 1424, no fewer than fifteen thousand Scots were in arms under the constable, and the duke of Touraine. I shall not prosecute the operations of this war farther than as it concerns the Scots. The principal feat of action, about the beginning of July, lay to the north of the Loire, where the Scots, and their allies, had surpris'd Ivry, a place of great consequence to both parties. The regent duke of Bedford resolv'd to risk every thing in retaking it, and press'd it so furiously, that its governor agreed to surrender it, if not relieved by the middle of August. Charles sent orders to the constable, and the duke of Touraine, to fight the English rather than lose the place. They had under them eight thousand Scots, two thousand Italians, who had been sent to the assistance of Charles by the duke of Milan, with their own officers at their head, and about three thousand French, under the duke of Alençon, the marshal Fayette, the count of Aumale, the viscount of Narbonne, and other French general officers, but all of them

them commanded by the constable, who ordered the whole army to advance to Chartres. When they arrived at Nonancourt, they received intelligence of Ivri's having been surrendered; upon which the constable, making a sudden wheel, took Verneuil and its castle, after two day's siege. The loss of this important place by the English, disconcerted all the plans of the regent duke, who was joined by the earl of Salisbury with a thousand horse, and two thousand archers, by which his army became equal in numbers to that under the constable. The latter having reconnoitered the English army under the walls of Ivri, found it too advantageously posted to be attacked; and upon his returning to Verneuil he had certain advice, that the English army was in full march to fight him. The constable, upon this, chose a strong ground for his encampment, near Verneuil, and called a council of war, where the question was, whether they should, or should not, fight the English. Some of the inconsiderate French officers were of opinion for the affirmative; but the constable, hearing that the regent duke was determined, at all events, to attack him, it was agreed to wait for the enemy in their present advantageous situation; and, accordingly, he made so fine a disposition of his troops, that he could not be attacked with the least appearance of success.

A. D. 1424.
where the
Scots are
defeated.

On the sixteenth of August, the regent duke appeared in fight of the constable's army; and next day he drew out his troops in order of battle. Perceiving that the constable made no movements to meet him, and well knowing the impetuosity of the French generals, he sent a herald to challenge the constable to fight him, and to deliver a verbal message to the duke of Touraine, "that he intended to dine with him;" to which the other answered, "that he should find the cloth laid." The duke, without declining the combat, remained within his lines; but the regent's message had all the effects he had foreseen or desired. The viscount of Narbonne, snatching up a standard, upbraided the constable to his face with having sullied the glory of the French arms by his tameness; and immediately rushing out of the line, was followed by all the French. The constable did all he could to restrain this ill-timed impetuosity, but in vain; and was forced to yield to the madness of the French, which had now seized upon his own men, by their loud requests to be led against the enemy, and not to suffer their allies to be cut in pieces. The English were drawn up under the earls of Salisbury and Suffolk on the wings, which were composed of archers, and the duke of Bedford in the centre; and attended by a body of two thousand men, by way of reserve. The

na-

nature of the ground required the English to fight on foot; and the regent placed all his horses within a barricade, formed in the front of his camp by the carriages of his army. Notwithstanding all his precautions, the charge of the Scots and the French was so furious, that their enemies were driven to the very barricade, where the former were received by a terrible discharge from the English archers. The Scotch and French cavalry, who were chiefly concerned in this attack, endeavoured to maintain their advantage, by charging the archers; but each of the latter (as happened in the battle of Agincourt) threw down before him a calthorp, or sharp spiked instrument, which defended them from the horse, and gave them time to ply their enemies with showers of their deadly arrows. The dispute between the main body of the two armies, under the constable and the regent duke, continued all this time so doubtful, that the nicest eye could not discern where the advantage lay, till the Lombards and Milanese were led off in hopes of pillaging the English camp, and thereby left the flank of the Scots exposed to the English. The Italians missed of their fordid aim; and being disordered by a flight of English arrows, threw down their arms, and left the field. This gave the English reserve of archers, who were yet unbroken, an opportunity of attacking the exposed flank of the Scots, and then the fight

A.D. 1424. was no longer equal. The impetuosity of the French cavalry flagged, and, unable to stand the storm of the English arrows, fell back upon their own foot, which they disordered. In short, the English obtained a complete victory. The constable and the duke of Touraine were killed on the field, after fighting three hours with incredible valour. Of the Scots about three thousand fell, among whom was a number of the best officers in Europe. Of the French about fifteen hundred were killed, among whom were the earls of Aumale, Ventadour, de Tonnerre, and the viscount of Narbonne; the lords Graville, Manni, Gammaches, and Guitri. The duke of Alençon, the marshal de Fayette, and some others of the French nobility, were made prisoners *. Of the English about two thousand of their best officers and men were killed; and the two Scotch chieftains were buried in a church at Tours in Touraine.

• I have represented this action according to the best authorities, both French and English; but Bower gives us a different idea of it; and as some part of what he says very possibly was true, I shall lay it before the reader. He agrees as to the disorderly charges made upon the English; but he says, that the duke of Touraine ordered proclamation to be made, that the enemy should receive no quarter: that when the English were disordered in the first charge they would have left the field, but were forced back by the Lombards; upon which they became desperate, and gained the victory while the Lombards fled without striking another blow. All I shall observe on this account is, that the duke of Touraine served under the constable; and if he gave such orders, it could be only to his own division, and in revenge for the like, which had been often issued out, both by the late Henry and the regent duke, against his own friends and countrymen.

James

James soon perceived the dreadful effects of remissness, indolence, and corruption, in the late administration. The great maxim of the regent, Robert, had been to maintain himself in power, by exempting the lower ranks of subjects from taxes of every kind. Murdoc had continued the same conduct, but he was destitute of his father's abilities and authority in keeping the common people from abusing the happiness they enjoyed; so that James, upon his return, found Scotland such a scene of oppression and rapine, that no commoner could say he had a property in his own estate. This dismal condition of the country, no doubt, forwarded the restoration of James; but it required the greatest vigour, both of mind and body, to remove so many complicated evils. James knew that he would be supported by his great subjects, who were not themselves oppressors; and after his coronation he called a parliament, which met on the twenty-sixth of May. The first deliberation of the assembly naturally was, how to pay the money for the king's costage, as it was called, and to redeem their hostages from England. The assembly was unanimous in this measure, and a large taxation was ordered; but it was found necessary to appoint certain auditors, or trustees, to superintend its collection. These were the bishops of Dunkeld and Dunblain; the abbots of Balmerino and St. Columb's Inch; Mr. John Schevez,

A. D. 1424.
Conduct of
James after
his restoration.

A.D. 1424. Schevez, the earl of Athol, Sir Patric Dunbar, William Borthwic, Patric Ogilvy, James Douglas of Balvany, and William Erskine of Kin-noul. Before I proceed farther, it is necessary I should consider the state of James, as I have done that of his kingdom, at the time of his restoration.

Abuses during his absence

The Stuart family, upon their accession to the crown of Scotland, were possessed of a great patrimonial estate, independent of the standing revenues of the crown, which consisted chiefly of customs, wards, and reliefs. The revenues of the paternal estate belonging to James, had they been regularly transmitted to him, would have done more than maintained him in a splendor equal to his dignity while he was in England; nor would he have had any occasion for the pitiful stipend allowed him by the English. His uncle, the regent-duke of Albany, knew that; and, as he never had any intention that his nephew should return, he parcelled out among his favourites, who maintained him in the regency, the Stuart estates in such a manner, that James, upon his return, found all his patrimonial revenues gone, and many of them in the hands of his best friends; so that he had nothing to depend upon, for supporting himself and his court, but the crown revenues I have mentioned, and even of those, some had been mortgaged in the late regency. This was a disagreeable prospect for James;

James; and very probably it added to his natural strictness and severity, which might be still encreased by two other disagreeable circumstances. The first was, that the hostages in England, who were composed of his capital nobility, were attended by their wives, children, families, and equipages, which rivalled those of the same rank in England, and consequently drew a great deal of ready money from Scotland. The other circumstance was still more disagreeable, arising from the charge of the Scotch army in France, where Charles, who had never been in any condition to support it, was now reduced, with his little court, almost without the common conveniencies of living. As to the real revenue of James, arising from the branches I have mentioned, we can form no estimate of its value; but the customs seem to have been considerable during duke Robert's regency, because out of them an army on the borders was, at one time, paid and maintained. Notwithstanding this discouraging prospect, the continuator of Fordun says, that the tax which had been imposed, and consisted of twelve pennies in the pound, brought, in the first year, fourteen thousand marks; but not without raising an universal discontent among the common people.

James, who was a complete master in the art of reigning, had learned in England the remedy that was to be applied to the consumptive

A.D. 1434.

Act of re-
sumption.

A.D. 1424.

tive state of his finances. Before the parliament rose, he obtained an act, which did him no more than common justice, and which, had he been the absolute, despotic king some Scotch writers have represented him, he might have executed by his prerogative, without having recourse to his parliament. It contained no more than obliging the sheriffs of the respective counties to enquire what lands, possessions, annual rents, and effects belonged to his ancestors of "good memory," David the second, Robert the second, and Robert the third; "and if the king pleases, says the statute (but in the obsolete language of the times) he may summons all his tenants, in order to produce their charters and evidences, that by the tenor of them he may perceive what is justly their own, and what also in justice ought to be returned to the crown." This was a fair but a dangerous expedient, as most of the possessors of those lands thought themselves above the reach of law. James, however, formed a resolution, which he afterwards executed with great firmness; that of proceeding in the resumption of his family estates, without regard to any consideration, either of persons or circumstances; a necessary though disagreeable, measure.

His severity
of govern-
ment.

If we are to believe Bower, James returned to Scotland with strong prepossessions against the Albany family; for, even so far back as the thirteenth of May, he ordered Walter Stuart, the

A. D. 1424.

the late regent's eldest son, together with Malcolm Fleming of Cumbernauld (to whose family his ancestors had been so greatly obliged) and Thomas Boyd of Kilmarnock, to be arrested in the castle of Edinburgh, from whence the former was sent close prisoner to the island of Bass. Fleming was sent first to Dalkeith, and then to St. Andrew's; but he was set at liberty, as likewise was Boyd. On the twelfth of March 1425, James held his second parliament at Perth, where he ordered the following persons of distinction to be arrested: Archibald earl of Douglas, William Douglas, earl of Angus, George Dunbar, earl of March, Sir Adam Hepburn of Hales, Sir Thomas Hay of Yester, Walter Haliburton, Walter Ogilvy, David Stuart of Rossyth, Alexander Seton of Gordon, William Erskine of Kinnoul, Alexander earl of Crawford, Patric Ogilvy of Osterhouse, John Stuart of Donald, David Murray of Gask, John Stuart of Cardine, William lord Hay, great constable, John Scrimgeour of Didope, Alexander Irvine of Drum, Herbert Maxwell of Carlawerock, Herbert Herries of Terregles, Andrew Gray of Foulis, Robert Cunningham of Kelmaurs, William Crichton of the same, and Alexander Ramsay of Dalhousy. James, in imprisoning so many illustrious personages, meant to shew his people his impartiality in bringing offenders to justice; but he seems, in this respect, to have carried matters too far, for he certainly was convinced

1425.

AND. 1425. that most of his prisoners were innocent; nor can he be vindicated on that head, otherwise than by supposing, that the temper of the times absolutely required such a proceeding.

He extir-
pates the
Albany fa-
mily,

The very day the duke of Albany was arrested, James seized upon all his houses and castles, particularly Falkland in Fife, and Down in Menteith, from whence he ordered the duchess of Albany to be carried prisoner to the castle of Tantallon. Sir John Montgomery and Allan Otterburn, the duke of Albany's secretary, were arrested likewise, but released within three days. Those severe proceedings were represented by no public commotion at the time; and all the prisoners soon obtained their liberty, excepting the duke of Albany, his two sons, Walter and Alexander, who had been knighted by the king at his coronation, and the earl of Lenox, the duke's father-in-law. The Scotch historians have not mentioned the precise crimes that were laid to the charge of those illustrious delinquents; and Abercromby is at a loss to find them out. I think there can be no reason to doubt, that they were indicted for the several acts of mis-government all of them had been guilty of during the two last regencies. Perhaps the following incident did not a little contribute to their ruin. James, a younger son of the duke of Albany, had been left at liberty, because he had been guilty of nothing that could make him an object of public justice.

Being

Being under the direction of Finlay bishop of Argyle, formerly his father's secretary, he raised a force in the Highlands; and on the third of May set on fire the town of Dumbarton, where he put to the sword thirty-two of the inhabitants, and among them Sir John Stuart of Dundonald, surnamed the Red, and natural son to Robert the second. James, upon this, proclaimed young Stuart a traitor; and being hard pressed, he was forced, together with the bishop his governor, to fly to Ireland. The wife of the lord Walter Stuart, with their two sons, Andrew and Alexander, took refuge there likewise; a proof that the intercourse between Scotland and Ireland, in those times, continued to be so frequent, that the natives of the one thought the other their country. This insurrection fully shews the absolute necessity James was under for humbling the lawless leaders of the Highlanders during the late regency, since even a stripling could lead them to the field against the legal government, of which they had not the smallest idea.

When the day of trial approached of the duke of Albany's two sons, and the earl of Lenox, James repaired to Stirling, to which town the prisoners had been conveyed, and ordered their trial to be conducted in the most solemn manner. Their jury consisted of the most illustrious personages of the kingdom, some of them their friends and relations, their names being as fol-

who are
prosecuted
and executed.

A.D. 1425. low : Walter Stuart, earl of Athol ; Archibald Douglas, earl of Douglas ; Alexander Stuart, earl of Marr ; William Douglas, earl of Angus ; William Sinclair, earl of Orkney ; Alexander of the Isles, earl of Ross ; George Dunbar, earl of March ; James Douglas, lord Balveny ; Robert Stuart of Lorn, John Montgomery of Montgomery, Gilbert Hay of Errol, constable, Thomas Somerwel of Somerwel, James Douglas of Dalkeith, Herbert Harris of Terregles, Robert Cunningham of Kilmaurs, Alexander Livingston of Kalendar, Thomas Hay of Lochinwarret, or Yester, William Borthwic of Borthwic, Patrick Ogilvy of Ofterhouse, sheriff of Angus, John Forrester of Corstorphin, and Walter Ogilvy of Lintrathin, knights. Before I proceed, it may be necessary to inform my readers, that there never was, even so low as the time of the corporate union between the two kingdoms, a house of peers in Scotland ; all the members who composed the parliament sitting in the same chamber, and their votes, decisive as well as deliberative, being of equal validity. All the persons, therefore, composing this jury, though not nobilitated, were equally peers of the prisoners, because all of them were barons of the land, as nobilitation conveyed no special parliamentary privileges, excepting that of an hereditary representation, which originally resided in every baron. It may likewise be proper to observe another difference between the

con-

constitution of England and Scotland; for in the latter a verdict might be found by two thirds, and in some cases, a majority, of the jury. A. D. 1425.

James, to give the trial a greater air of authority, thought proper to preside in it himself, sitting on his throne, and dressed in his royal robes, crowned and sceptered; and on the eighteenth of May the prisoners were found guilty. The two young noblemen, Walter and Alexander Stuart (the former said to have possessed all the accomplishments of person and mind) were carried from the place of their trial to a rock opposite to the castle of Stirling, and there their heads were struck off, as next day were those of the duke of Albany and the earl of Lenox. The shortness of the time between the trial and execution cannot be thought barbarous in James, when we consider what consequences a delay might have produced, by an insurrection of their numerous followers and dependents. As to the trial itself, the quality and connections of the jury (some of whom had been imprisoned as accomplices in the same treason) are favourable for the memory of James, and prove that he did not bring from England with him any of those arbitrary principles by which the best blood of that country was often spilled, without even the forms of law. The only exceptionable part of his conduct, on this occasion, is his presiding at the trial

A.D. 1425. trial in person; but even this admits of some alleviation, for, while it carries with it some appearance of over-awing or influencing the jury, it might, at the same time, be necessary for insuring the safety of the court, and preserving the regularity of its proceedings; not to mention that it was necessary to give an air of dignity to an assembly which, at that time, was perhaps unprecedented in Scotland, or at least fallen into disfluency through the licentiousness of later times.

Behaviour
of the du-
chess of
Albany.

Buchanan mentions a tradition, which, if founded on fact, reflects great dishonour on the memory of James; for he says, that the king sent to the countess of Lenox the heads of her father, husband, and two sons; and the frivolous pretext assigned for this barbarous proceeding is, whether, in the bitterness of her grief, she might not throw out some expressions that might give farther lights into their crimes, and those of their accomplices. The story proceeds, that she beheld the ghastly spectacles without emotion, and calmly said, that if the charges against the criminals were proved, they deserved their punishment. Tho' this tradition is as destitute of probability as it is inconsistent with humanity, yet we cannot answer for what the more than savage enmities which prevailed among the great families of Scotland, in those days, might produce, and the actors might plead the royal authority for their sanction.

tion. The truth is, this lady was of the highest quality of any subject in Scotland, and heiress to her father's vast estate. Her spirit was equal to her birth, and it might be expected she would drop some expressions of resentment that might admit of aggravations; but though her husband's and her father's estates had been forfeited to the crown, James was so far from behaving towards her as the tradition expresses, that she enjoyed a large part of the family-possessions to her death, which happened many years after, having made a grant of an estate to the convent of the Grey Friars at Glasgow, for the salvation of her own soul, and those of the sometime lord Murdoc duke of Albany, of venerable memory; of her father Duncan, sometime earl of Lenox; and her sons, Walter, James, and Alexander.

The next measure which James pursued, was to extinguish the remains of Stuart's rebellion. His followers had seized a fort, called by Buchanan Marine-castle, in or near Loch Lomond, which, by the king's order, was now reduced by John Montgomery; and five of the garrison were brought prisoners to Perth, where they were hanged and quartered. Those victims being offered to public justice, James proceeded with great spirit and firmness in the reformation of his kingdom, and in striking at the root of all its grievances. In this, however, he did nothing without consulting his parliament,

A. D. 1425.

1426.
A rebellion
suppressed.

A. D. 1426. ment, by which he gave a double edge to his own prerogative. The forming associations and leagues among subjects, was the great evil of those days, and had been provided against by acts passed under David, and Robert the first. The like acts had passed against abettors of rebels, and leasing-makers, which, if I mistake not, implies those who are guilty of lese majesty, or wounding it by false reports; but the licentiousness of the times having suffered all those excellent statutes to become obsolete, they were revived and confirmed in the very first parliament convened by James; and they sufficiently point out to us the grounds of the late prosecutions. James then ordered the prisons to be opened, for the delivery of all the lesser criminals, who, by the authority of their superiors, might have been drawn into acts of treason, without knowing them to be so; and he admitted them to favour, on their promising to conform themselves to the laws for the future. He next applied himself to the cultivation of learning, arts, and sciences, among his subjects. I have already mentioned, that a university was founded at St. Andrew's in the year 1411. This institution was in danger of being destroyed in its infancy, by a dispute which then raged through all Europe, between pope Benedict, and the council of Constance. The abbot of Pontiniac had been sent on the part of the council, to detach the nation from Benedict,

Civil conduct of James.

dict, whose authority it then recognized. The A.D. 1426.
 abbot presented letters to the same effect from the emperor Sigismund to the regent, and the three estates of Scotland, who were assembled at Perth on this occasion, and harangued by the abbot in favour of the council. Pope Benedict, in like manner, wrote to the governor, and the three states, in favour of himself; and one Robert Harding, an English priest, a favourite with the regent, was constituted Benedict's advocate before the assembly. Harding was opposed by the new university, which had for its head John Elwold. He was seconded by several eminent divines, who confuted all Harding's arguments; and one Fogo, a monk of the abbey of Melros, so greatly distinguished himself on the side of the council, that pope Martin the fifth, whom its members had elected, addressed a bull to him, condemning Harding's arguments, and for uniting the kingdom of Scotland to the obedience of Martin.

This notable stand against the governor did great honour to the infant university, and James, upon his return, took it under his immediate protection. He had, during his confinement in England, but too much leisure for study; and he was undoubtedly the most accomplished prince of his age, in all the branches of literature then pursued. He was at great pains in enquiring into the characters and learning of the several professors, and often honour-

His protection and encouragement of learning,

A. D. 1426. ed their public acts and exercises with his presence. He even kept a diary, in which he wrote down the names of all the learned men who he thought deserved his patronage and preferment, and reprov'd, with great freedom, such churchmen as liv'd unsuitably to their character. The late times of anarchy and confusion had introduced too many of that kind into Scotland. Their revenues were far above the proportion of property that ought to have been allotted them. Their houses were distinguished for the beauty of their situations, the sumptuousness of their building, the elegance and culture of their gardens, and the fertility of their lands. All those circumstances naturally introduced luxury among the Scotch clergy; and James, to give them an example of abstinence, brought over Carthusian monks, one of the severest orders in the church of Rome, for whom he endowed and allotted a monastery at Perth, and sometimes made it his residence.

and of the
university
of St. Andrew's.

In compliance with the custom of the times, he sent a solemn embassy to Rome, consisting of the bishops of Aberdeen and Dumblain, the abbots of Melros and Balmerino, the prior of St. Andrew's, Sir William Borthwic younger, Sir William Hay, Mr. Thomas Myreton, Mr. Edward Lawder, and Mr. John Steins. Though the chief pretext of this embassy might have been intended as a compliment to the pope; yet there is the greatest reason to suppose, that
its

A. D. 1486.

its real object was to procure the papal interposition in favour of the university, and the other public institutions intended by James; and this is the more probable, as the university's privileges had been granted by the anti-pope Benedict to Mr. Henry Ogilvy, who went to Spain for that purpose, where Benedict resided in 1413. The records of the university, part of which have been published by Sir Robert Sibbald, sufficiently prove James to have been its second founder; as it had, before that time, no higher an appellation than a college *. The arts and sciences were equally the objects of James's attention as divinity. In poetry, he was an author, and of music he was one of the best judges and composers of his time; and there is the greatest reason to believe, that he was the father of that elegant simplicity for which the ancient Scotch music is to this day celebrated †. He introduced organs into his

* It was called *Gymnasium Sancti Andreæ de Kilrymonth*.

† I mention this circumstance, to obviate the ridiculous notion of David Rizio's being the author of the best Scotch tunes, which could have no foundation, but on that unhappy foreigner's being a musician. Queen Mary had picked him up to supply the vacancy of a voice in her chapel; and soon after employed him as her secretary for the Italian tongue; nor does it appear, that he knew any thing of instrumental music, or that ever he composed a single piece. In fact, the most admired of the Scotch tunes were composed long before queen Mary's time, and were made use of in churches, though burlesqued by the reformers, to bring them into discredit. James was not the only king in former times who practised and composed music. Some musical works of Henry the seventh of England in score, are said to be still extant.

A. D. 1426. chapels, and the cathedral churches of the kingdom, together with a much better stile of architecture, both civil and religious.

His farther regulations.

James did not confine his cares to the fine arts, for he encouraged and protected those that were mechanical and useful in society. Nothing can give us a higher idea of his government, and his genius for civil policy, than the proceedings of his parliament in 1427. He had observed, that, among the lower class of people, custom took place of law, that poverty was not considered as a misfortune, nor barbarity as a reproach; because the first might be removed by depredations, and the latter protected by violence. To have punished the offenders would have been unjust, because, while offending, they thought themselves in the way of their duty; and such was their ignorance, that they imagined no shame equal to that of procuring a living by honest industry. We are not, however, to conclude, that this was the picture of all Scotland. Its lowland provinces, in general, were, at this time, as well civilized as those of any country in Europe; but the nearer the situation of the inhabitants approached to the highlands, they were the more barbarous, and it was chiefly against such that James's regulations were intended; tho' to say the truth, they comprehended the greatest part of the natives of Scotland. In the parliament I last mentioned, many excellent statutes were made against public

lic

lic abuses. The observation of the former laws was reinforced, and the exportation of money (which I have already observed, must have been severely felt by James) was strictly prohibited. Laws were made against the irregular and corrupted practices of the courts of justice, against all kind of frays, broils, quarrels, and fighting. Bridges and ferries were established by water, and inns, with other conveniencies of traveling, by land. Encouragement was given for agriculture and husbandry, as well as for trade and manufactures. Uniformity was introduced into weights and measures, and the wages of workmen and labourers of every kind were regulated by a certain standard. Rewards were decreed to industry, as well as to the exercise of arms. The judges and lawyers were put above the temptation of bribes; and, in short, nothing was omitted, not even the most minute circumstance, that could contribute to the intended reformation. Another parliament was held on the first of July the same year; but I perceive that, by this time, the Highlanders, who were in the interest of the Albany family, had taken the alarm, and numbers of them had followed the lord James Stuart, who was now their chief, to Ireland, where they soon obtained settlements. This produced an act prohibiting all manner of intercourse or correspondence between Scotland and Ireland, but upon such terms and conditions as are therein expressed.

A. D. 1426.

James
Stuart flies
to Ireland.

The

A. D. 1426. The reasons given for this act are remarkable, for they make a distinction between the Irish (who are termed the Irishery) in general, and the inhabitants of that nation who were subjects to England. The act calls the former the good old friends of Scotland, but says, that it was improper to keep the passage between the two kingdoms open, because the notorious rebels who had found entertainment in that country, might thereby have occasion to do mischief to Scotland. As to the English Irish, they are mentioned in a different light; for they are prohibited to come to Scotland at pleasure, because they might discover the secrets of the nation; and therefore they are considered as aliens. The cause of this distinction was of higher antiquity than even the coronation of Edward Bruce in Ireland; and the kings of Scotland, before the union of the two crowns, had always considered the Irish of the north of Ireland, as part of their subjects, though living under their own laws, and in a different island.

James en-
creases his
revenue.

As the Scots were then rude in the practice of arts and manufactures, it would have been absurd to have given them rules which they were ignorant how to execute. James, therefore, made use of the late encrease of his revenue by the forfeitures, and many estates belonging to the crown, which were discovered by his commissioners of alienation, to give bounties to foreign artizans of all kinds who should settle in Scot-

Scotland; which many of them did, and were thereby entitled to particular exemptions and privileges, that made them forget their own native countries. A. D. 1426.

The execution of so many wholesome provisions came next under the deliberation of James and his parliament. It was impossible, during the relaxation of civil authority, that prevailed all over the highlands, to trust it to the officers of justice; and therefore it was thought expedient that every landholder should have a justiciary power within his own estate, according to the antient constitutions of the kingdom; but they were obliged to reside on the same, either by themselves or their friends. They were to rebuild, or repair all their manors, castles, and forts, and to superintend the civilization of their tenants, for whose conduct they were made partly answerable. The county of Inverness being supposed to be the seat of barbarism in Scotland, and the great source of violence in the kingdom, James determined to visit it in person, having first given orders for thoroughly repairing and fortifying the castle there. Upon his arrival in that country, he found its barbarism exceeded all the reports he had heard. The inhabitants had no idea of government, but under their petty chieftains, who lived by acts of rapine and violence, which they looked upon as law; and nothing was more common, in perpetrating them, than bloodshed and

His political
institutions

1427.

A.D. 1427. and murder. James thought it would be equally unjust and dangerous to proceed to force, in suppressing those horrid enormities, and therefore had recourse to policy. He received their chieftains with the greatest affability; and they were so well pleased with his behaviour, that they repaired in crowds to the castle of Inverness, where he kept his court. Having found means to inform himself of the chief delinquents, he, all of a sudden, arrested forty of them; but of those, only three of the most dangerous, Alexander Mackrore, John Mackerture, and James Campbel, were executed. The rest were committed to prison, and tried. Some of them were found guilty, and others were dismissed upon promise of amendment. This exercise of justice was the more extraordinary, as some of those chieftains could bring from a thousand to two thousand men, into the field. We are told that Mackrore commanded a thousand, and Mackerture two thousand men, and that they were beheaded; but that Campbel, for murdering John of the Isles, was hanged *.

The earl of
Ross con-
fined.

Among others who were made prisoners, while James remained at Inverness, were Alexander, the lord of the Isles, and earl of Ross, the

* When James formed the resolution of punishing those criminals, he expressed himself, extempore, in the two following Monkish rhimes.

Ad turrim fortem ducamus caute cohortem,
Per Christi fortem, meruerunt hi quia mortem.

son

son of that Donald who had fought the battle of Harlaw, and his mother, the heiress of that great earldom. Perhaps the power of that nobleman was his chief crime. He had obtained peaceable possession of his earldom, and, as we have seen, he was one of the assizers who sat upon the duke of Albany and his sons; nor do I perceive, that he was charged with any unlawful correspondence, or acts of treason. He was, however, sent prisoner to Perth, where several misdemeanours were proved against him; but as they were not more heinous than those commonly practised by other chieftains, he received his pardon, and James dismissed him with repeated and kind admonitions for his future amendment. The affront which the earl had received, sunk, however, (as we shall see in the sequel) more deeply in his mind than the king's admonitions.

The hostages in England remained all this time, without any effectual measure being taken for their deliverance. The success of the auditors appointed to receive the taxes imposed for redeeming them, after the first year of their collection, had proved but indifferent. The common people, upon whom the weight of the taxation fell, exclaimed against it, and remonstrated upon their inability to discharge their assessments. There was, it is true, great plenty of corn, and the other necessaries of life, in the

Tax imposed
for redeem-
ing the hos-
tages.

A. D. 1427.

kingdom; but they could not convert them into the ready money, in which the payments must be made; nor do I find that more than four hundred and fifty merks had yet been paid; a proof that the necessities of James had obliged him to convert part of the money that had been raised to his own use. As it was provided by the treaty, that the hostages might be relieved, from time to time, by others of the same rank and fortune; the following had been sent to England in exchange for others of the same quality, Patric, son and heir of the earl of March, John Montgomery of Ardrossan, Robert Stuart of Lorn, Thomas Hay of Yester, William Borthwic elder, Adam Hepburn of Hales, Norman Lesly, George Lyle, and Andrew Keith of Inverrugy. In the same manner, the earls of Sutherland and Menteith, Ogilvy, the son and heir of the sheriff of Angus, William Wallace, John Kennedy of Blatharn, William Douglas of Hawthornden, Walter Fenton, William Douglas of Drumlanrig, Henry Douglas of Lochlevin and Logton, and Malcolm Fleming, son and heir of Malcolm Fleming of Cumbernald, were sent to England in November 1427; as were a great many more of the surnames of Meldrum, Stirling, Gordon, Colvil, Kinloch, Bailie, Weems, Cathcart, Stratton, Cunningham, Kinnaird, Scot, Ramsay, Graham, Crawford, Towres, and Fenton, in June 1432. It may be here proper, once for all, to observe,

observe, that some of those noblemen and gentlemen, who so generously pledged their liberties for that of their sovereign, lay in durance during all the reign of James. The crown-revenues had been so miserably dissipated, that it was impracticable to raise their ransom from them; and, notwithstanding the confiscated estates had lately devolved to the king, it was with difficulty that he could keep up the face of civil government, or the dignity of his station. It was in vain to have recourse to the tax that had been imposed; for the lower people declared that they neither could, nor would, pay it; and the collection of it was therefore suspended, to prevent a civil war.

James, to put the best face he could upon his inability to make the stipulated payments, sent, this year, the bishop of Murray, who had likewise a church-living in England, to complain to the regency there of certain infractions of the truce, and urging that, having concluded a perpetual peace with the late king of England, Henry the fifth, the same might take place. This was a very extraordinary allegation, and it seems, in fact, to have been invented by James, to serve a present purpose. It was treated, however, very seriously by the English council; and two very polite letters were sent, in the name of young Henry, to James, the one in November, and the other in December, addressed to

Transac-
tions with
England.

Rymer, vol.
II. p. 382.

- A.D. 1427. "the most high and potent prince James, by the grace of God, king of Scotland." They contained some slight complaints, that the debt due from James had not been paid; and demanded that certain English prisoners, who had been taken in a Spanish ship on the coast of Ireland, and brought to Scotland, might be set at liberty. That James was not in earnest in the embassy he sent by the bishop of Murray, appears by his renewing the league between France and Scotland in the beginning of the year 1428, though the truce with England was not yet expired. It must be acknowledged, that the conduct of James, on this occasion, is unaccountable. The most probable conjecture is, that he sent the bishop in quality of little better than a spy, to find out whether he had grounds to apprehend any thing from the English, or whether they intended to support the earl of Ross, who was beginning to renew his rebellious practices.

Marriage of
the dauphin
and the
princes of
Scotland
agreed on.

In return for the good faith shewn by James towards the French court, that king, this year, sent the archbishop of Rheims, the first peer of France, and John Stuart of Darnley, earl of Dreux in the same kingdom, to draw the bands of alliance more close between the two nations. The Scotch auxiliaries, who had served so bravely and faithfully in France, were, by this time, worn out, or cut off; and Charles had no
pro-

prospect for preserving even the remnant of his dominions he still possessed, but from Scotland. His ambassadors, therefore, were charged to propose a marriage between James's young daughter, Margaret, and the dauphin, afterwards Lewis the eleventh; and that her fortune should consist only of six thousand men, who were to attend her to France, and enter into the service of Charles, who at the same time obliged himself, on his part, First, That if the princess Margaret should, by his decease, and in right of her husband, the dauphin, come to be queen of France, her dowry should be as considerable as any queen of France had ever enjoyed. Secondly, That if she should never come to be queen, in that case she should have a dowry of fifteen thousand livres. Thirdly, That if the dauphin should chance to die before the consummation of the intended marriage, then a second son of France, or the next heir to the crown, should marry the said princess Margaret, if alive at the time; if not, her second sister, who also failing by death, the third, and so on; provided that both parties were within seven years of age to one another. Fourthly, That in case of the dauphin's death, as above, the king of France should give to princess Margaret, for her charges and loss, the sum of forty thousand crowns of gold. Lastly, That if either of the kings of Scotland or France should fail in the performance of their

A. D. 1428.

Aber-
cromby.

A.D. 1428. respective obligations, the party-breaker should pay to the party-observer, or willing to observe, the sum of one hundred thousand crowns.

*Embassies
between the
two courts.*

It must be owned, that this was a very advantageous treaty; but we are to consider, at the same time, that when it was made, Charles had but an indifferent prospect of ever being able to fulfil it. With regard to the auxiliaries, James could be under no difficulty to furnish them, as they were to be maintained by the French king, and as he was at peace with England. On the twenty-seventh of July, the king and queen of Scotland, the princes of James's blood, with the prelates and noblemen of the kingdom, swore to the observance of the new treaty between France and Scotland, and likewise to that of all the treaties, confederacies, alliances, and unions formerly concluded between the two kingdoms; and that in presence of the French ambassadors. It being necessary that Charles should take the like oath, James appointed the bishop of Aberdeen and Sir Patrick Ogilvy, the sheriff of Angus, to repair as his ambassadors to France; which they accordingly did with the French ambassadors, and arrived towards the end of October at Chinon, where Charles then kept his court, and where he took the required oath. In November following, Charles bestowed upon James, and his heirs male, the county of Xaintonge, and the lordship of Rochfort on the Charente, with the privilege

vilege of him and his heirs performing their A.D. 1432.
homage, as peers of France, by deputies of their own kindred. Charles, however, reserved to himself a power, if he thought proper, of re-annexing those estates to his own crown, after driving the English out of his kingdom; but, in that case, he was to give to the king of Scotland either the dukedom of Berry, or the county of Evreux.

Before I take my leave of the transactions of this year, I am to observe, that the lesser barons continued still to be members of parliament, where they complained of their attendance as an intolerable grievance; and indeed their numbers would have made that meeting so very tumultuous, that there is reason to believe few or none of them ever attended it, but that they left the affairs of the nation to be managed by the prelates and the greater barons. The representation of the commons had been long known in England, and Robert the first had introduced (as I have already mentioned) that of the boroughs into Scotland. It is peculiar to our history, that we know of no altercations ever happening between the kings of Scotland and their parliaments, or great councils. Several plausible arguments have been advanced to account for this; but I believe it was in some measure owing to the king, assisted by the clergy, being always able to throw the scale wherever they lent their weight, in the

Representa-
tion of the
barons in
parliament
introduced.

A.D. 1428. the parties that generally divided a feudal state, particularly that of Scotland. Another cause might have operated still more powerfully. The kings of Scotland, as I have often observed, most undoubtedly were controulable by their great council or parliament; and in matters of so great importance as might unite all the laity, the kings might not think proper to disagree with their parliaments, even tho' they had the clergy on their side. James was so good a politician, that he supplied the places of his lesser barons in parliament by agreeing, either this or the preceding year, to their being represented by one or more being chosen out of their own number, thro' every county.

Trans-
actions with
England.

The engagements of James with the French court alarmed that of England so much, that the latter demanded a conference between James and cardinal Beaufort, upon the borders of the two kingdoms. James was to be attended by a thousand horse. The cardinal had lately been declared by the pope general of a crusade against the Bohemian heretics, but in reality he was to be employed in France. He proposed to raise ten thousand men; but the council of England had insisted that he should have a previous meeting with the king of Scotland, to know how he stood disposed towards preserving the truce. It is certain, that the cardinal obtained a safe-conduct in February 1429. Whether the interview took place does
not

Rymer.
1429.

not appear, though I am apt to think that it did, then, or a few weeks after; for one of the cardinal's arguments with James was a case of conscience. He pleaded, that, unless he would promise to observe the truce, he could not safely undertake the crusade against the heretics. James, who had never dreamed of breaking with the French, very readily granted all he desired; and the rather, as his ally, Charles the seventh, was still victorious over the English. But I am now to recount the operations of the Scots in France.

The earl of Salisbury, the most successful of the English generals, had been killed while he was besieging Orleans; and he was succeeded in his command by the earl of Suffolk, under whom the lord Talbot and Sir John Fastolf served as lieutenant-generals. I shall not enter into a detail of that siege, farther than as it is connected with my history. After the junction of the English and Burgundian forces, the loss of Orleans seemed to be so inevitable, unless well supplied, that Gaucourt the governor escaped to Chinon, where Charles still resided, and laid before him the necessity of an immediate supply of men and provisions. Charles promised both, but as he was engaged against an active, intrepid, enemy, the success of the convoy was extremely dubious; and at last it was committed to William Stuart, a Scotch officer of great reputation, at the head of a thousand

The Scots
defeated in
France.

A.D. 1429. sand Scotsmen. Before this time, a strong body of the Scots had been introduced into Orleans, where they gained immortal honour by the defence of that city; and Stuart, by the excellent dispositions he made, and dividing his men into small parties, gave so seasonable an alarm to the English camp, that Gaucourt had an opportunity of throwing himself and the convoy into Orleans. The vast numbers of mouths within that city soon devoured the supply, great as it was; and Charles formed a design of surprising Fastolf. The count de Clermont and the famous count de Dunois were to execute this project; and they accordingly attacked the English at Rouvray St. Dennis. Fastolf was destitute of artillery, and neither count Clermont nor his soldiers chose to engage. The barricade which Fastolf had formed was, however, cannonaded; and the breach being made, the Scots undertook to attack it, under Stuart and his brother. The count de Dunois, who was by far the best general Charles had, did not quite approve of their forwardness; but the intrepidity with which they marched to the charge was such, that he thought it would be infamous to suffer so many brave men to be sacrificed, and he moved to support them with the small detachment he commanded. The count of Clermont, and the main body of the French, kept all this time at a distance; so that the English were superior to the Scots

Scots and French who attacked them; and by their archers and heavy armed troops the assailants were repulsed, while the count of Clermont, with all the cavalry, in which the strength of the French army consisted, galloped off, leaving Fastolf in possession of the field. The two brave Stuarts were killed, and about five hundred of the Scots. Abercromby, by mistake, says, that the two Stuarts were Darnley and his son.

This defeat, at so critical a juncture, threw Charles and his little court into greater despondency than ever. Charles proposed to retire to Dauphiny; but he was diverted from that inglorious resolution by queen Mary of Anjou, and his generous mistress Agnes Sorel. This event falls in with the course of our history, as it produced the marriage-embassy I have mentioned. A difference that happened between the dukes of Burgundy and Bedford, and the miraculous successes of the maid of Orleans, retrieved the affairs of Charles in a manner foreign to this history. The English were defeated at Patay, where the brave lord Talbot and the lords Scales and Hungerford were made prisoners. Upon this, the troops of the crusade, under cardinal Beaufort, were employed in France; but Charles was crowned at Rheims, and the growing dissensions of the English council was of the utmost service to his

A.D. 1429. affairs ; so that the duke of Burgundy and he, at last, agreed to a truce.

Further
transactions
with that
court,

James was in no hurry to fulfil his engagements with the court of France, because the truce he had entered into with England was not yet expired. It is very remarkable, that in the late treaty between him and Charles, the auxiliaries are mentioned only as attendants upon the future dauphiness, who did not, as we shall see in the course of this history, sail for France till some years after, so very punctilious was James in observing his engagements with the English. The Scotch historians have mentioned only nine hundred and fifty marks of his costage-money having been paid ; but in this, I apprehend, there must be some mistake, occasioned by mislaying the receipts, the copies of two only for that sum having come to our hands ; for the English historians intimate, that James, at this time, was very regular in his payments ; and we find that part of the Scotch costage-money was appropriated by the council of England to the payment of the army in France, and the expences of young Henry's coronation there. The more unprosperous the English affairs were in France, the greater degree of tranquillity Scotland enjoyed ; and we find, that in the year 1430, the truce between James and England was prolonged. The capture and death of the maid of Orleans served only to render Charles the

1430.

the more solicitous to oblige and care for his Scotch allies. He augmented their guard about his person, both as to its numbers and privileges; and I find, that it was at this time commanded by one Robert Pitillock, or Pitillo, one of their own countrymen, who was so distinguished by his exploits against the English in Guienne, that he was commonly called the little king of Gascony. A. D. 1430.

About this time, it was found expedient to rectify some disorders, that, notwithstanding the great care taken by both nations to preserve the truce, had crept into the borders. For this purpose the bishop of Carlisle, the earls of Northumberland and Salisbury, and other persons of distinction, were named commissioners on the part of England; while those for Scotland were, John bishop of Glasgow, and chancellor of Scotland; Alexander bishop of Galloway; Sir John Forrester, baron of Liberton; Mr. William Fowles, keeper of the privy-seal; Sir Patric Dunbar, Sir Thomas Kirkpatric, Sir John Cockburn, and Mr. John Schevez. The first place of their meeting was at Handenstank, and the next at Clagmabouftan; and it was agreed, that all wrongs committed by either nation should be redressed; that ships, and all effects, injuriously seized, should be restored to their legal owners. Courts of conservators, or arbitrators of the peace, who were

and with
England.

A.D. 1430. two kingdoms, were likewise established ; those for Scotland being Sir Thomas Fitzpatric, Sir Patric Dunbar, Mr. Thomas Rule, and Mr. David Hume.

The earl of
Ross sub-
dued,

The earl of Ross was all this time harbouring in his breast the thoughts of vengeance for his imprisonment; but I do not find that he was abetted, as usual, by the court of England ; for he depended, on this occasion, entirely upon his islanders, and tenants in Ross-shire. James, who kept an eye upon his conduct, had sent him repeated admonitions to desist from his seditious practices, but all to no purpose ; for towards the end of the last year, he burnt the town of Inverness, and attempted the castle likewise, because it had been the place of his imprisonment. He was then at the head of ten thousand men ; but James well knowing that he forced many of them into his service, marched against him at the head of his north-country servants ; and the clans Cattan and Cameon, separating from the earl's army, immediately ranged themselves under the royal banners. The earl, upon this, retired to Lochaber, and then to the Isles, to which the king could not pursue him. This year, however, James, in imitation of what was commonly practised in England, prevailed with his parliament to pass an act, by which all the barons and lords whose lands were contiguous to the western sea, but more especially such as had inheritances over-
against

Aber-
cromby.

against the Isles, were commanded to fit out a certain number of gallies, conformably to the tenor of their holdings, by the month of May 1431. A.D. 1430.

Those vigorous measures daunted the haughty lord of the Isles, and he employed private agents to make his peace with James, who would hear of no terms of that kind, unless the earl should absolutely and unconditionally throw himself at his feet; which he at last resolved to do. Accordingly, he came privately to Edinburgh; and while the king and queen were at their devotion, in the church of Holyrood-house, he presented himself before James, dressed only in his shirt and drawers, and offering to the king his naked sword. The queen and the nobility interceding, James granted him his life, but ordered him to be sent prisoner to the castle of Tantallon, while his mother was shut up in the island of Inchcolm, lying in the Forth. How far any of the other great subjects of Scotland were concerned with the earl of Ross in his practices, does not appear; but that we have very imperfect accounts of this reign, is proved from our ignorance of the offences committed by the earl of Douglas and Sir Gilbert Kennedy, the king's nephew, who were arrested much about this time; the former sent prisoner to Lochleven, and the other to Stirling-castle *.

but is pardoned.

* Bower says, that this Kennedy's name was James, who was afterwards the celebrated bishop of St. Andrew's; but does not mention his offence.

A. D. 1430. It is probable their offences, at least that of the former, was but slight; for the queen being brought to bed the sixteenth of October 1430, of twins, Alexander, who died soon after, and James, who succeeded to the crown, the earls of Ross and Douglas, according to Bower, obtained their pardons; but he tells us, that bishop Kennedy remained in confinement.

Twins born
to James.

The birth of the royal twins was so agreeable to James, that he knighted fifty young gentlemen upon the occasion; and to prove that he was thoroughly reconciled to the earl of Douglas, that nobleman presented them at the font.

Scotland had, by this time, partly recovered itself from its hideous state at the time of James's restoration; for on the fifteenth of October, in a parliament at Perth, a new subsidy, notwithstanding the bad success of the former, was imposed upon all the lands in the kingdom. The raising this subsidy was committed to inferior collectors; but they were accountable to the abbots of Balmerino and St. Colm, Sir John Scrimgeour, and John Fife, a citizen of Aberdeen; and the money was deposited in a chest, of which each of the auditors had a key; but the chest itself was lodged in St. Andrew's, under the care of the bishop and prior. The money was to be appropriated, in the first place, to the suppression of the insurrections which were then raging in the North, and then to the exigencies of the public. In the mean

mean time, the bishop of Glasgow, chancellor, Sir John Forrester, chamberlain, Sir William Fowlis, keeper of the privy-seal, and Sir Walter Ogilvy, master of the household, met with the bishop of Carlisle, the earl of Northumberland, and others; and on the first of May, 1431, agreed to the prolongation of the truce till the first of May, 1436. The conservators of it, on the part of Scotland, were the earls of Athol, Angus, March, and Crawford, the lord constable, James Douglas of Balveny, James Douglas of Dalkeith, Thomas lord of Somerwel, Walter lord of Dirlton, John Forrester of Corstorphin, and Herbert lord of Maxwell. Those for England were the duke of Gloucester, the earls of Warwick, Northumberland, Sarum, and Westmoreland, the lord Willoughby, Sir Robert Umfraville, and others. The conclusion of this truce left James at liberty to turn his attention entirely to suppress the disorders of the highlanders in the North. The clan Cattans, or Mackintoshes, had quarrelled with the Camerons, and fought on Palm-Sunday with such animosity, that they almost exterminated each other. The earls of Caithness and Marr were then the royal lieutenants in those parts, and marched to Lochaber to defend it from an invasion threatened by one Donald Balloc, a kinsman and kind of deputy to the earl of Ross. He thought the honour of his family wounded by that earl's imprisonment; and, instead of

A.D. 1431.
A negotiation.

Aber-
cromby.
Rymer.

Civil broils.

A. D. 1431. suffering the king's lieutenants to attack him in the Isles, he passed over to the continent to offer them battle. The two earls, despising the number and discipline of his men, were so little upon their guard, that they suffered themselves to be surprised and defeated by the rebel. The earl of Caithness, and sixteen gentlemen, with a considerable number of common men, were killed, and the earl of Marr was obliged to save himself by flight. Donald, naturally fierce and bloody, became more so by this advantage. He destroyed Lochaber and the neighbouring country with fire and sword, and, according to my authorities, James took the field in person to suppress him; upon which, he put his plunder on board his galleys, and sent it to the Isles. It happened luckily for the country, that those robbers, or rather their heads, agreed amongst themselves in nothing but the principle of plunder. No sooner did they hear of James being on his march, and that he was now provided, by the assistance of his parliament, with a number of ships, money, and every thing that could enable him to defeat and punish the rebels, than their chiefs threw themselves at his feet, and implored his pardon. James had his reasons for not pushing them to extremities. He obliged them to give him hostages for the performance of their duty, and to apprehend and bring in prisoners about three hundred of the most notorious criminals in their followings, whom

whom he immediately ordered to be hanged and gibbeted. A. D. 1431.

Ballog, being thus deserted by his confederates, fled to Ireland, where he was for some time protected by a chieftain, one Odo; but James requiring him to give up his rebel, Odo, who considered the king of Scotland as his friend and kinsman, if not his sovereign, sent him Donald's head. Amongst the other capital robbers who submitted at this time to James, were Angus Duff and Angus Murray, irreconcilable enemies to each other in every respect but acts of violence and pillage. James pardoned them, and made the one his instrument to destroy the other. Each had, at least, fifteen hundred followers; and Duff no sooner obtained his liberty, than he resumed his practices of robbing and plundering. James gave his rival Murray a commission to suppress him; and as Duff, who resided in Strathern, was driving his booty homewards from Caithness and Murray, he was overtaken by Murray; and so desperate an encounter ensued, that of the one party no more than nine, and of the other only twelve, survived. Bower does not mention the king marching in person against those robbers; but he tells us, that the winter of this year was so severe, that it killed the cattle in the houses as well as the fields.

Death of
the rebel
Ballog.

The tranquillity of Scotland being in a great measure re-established, James found himself too

1432.
Resump-
tions and
severity of
James.

A.D. 1432. firmly seated on the throne to fear any disagreeable consequences from an examination into the proceedings of the late regency, particularly with regard to the earldom of March. I have already given an account of that nobleman's revolt, the provocations he received on his return to his duty, and likewise of his being restored to his estate. James pretended, that the regency had no power to pardon his rebellion, and to reinstate him; and sending him prisoner to the castle of Edinburgh, he ordered the chancellor, William Crichton, the earl of Angus, and Sir Adam Hepburn of Hales, to take possession of the castle of Dunbar, which they accordingly did without opposition. This was a severe, if not an arbitrary, proceeding; but James was resolved to justify it by law. He summoned his parliament to meet at Perth, on the tenth of January, when the same day, the abbots of Scone and St. Colm, Master John Stuart, provost of Methven, Robert Stuart of Lorn, Thomas Somerwel of Somerwel, Walter Haliburton, John Spence of Perth, Thomas Chalmers of Aberdeen, and James Parklie of Linlithgow, were unanimously elected, and sworn, to hear and report all causes and controversies which were to be moved or insisted upon during that session. This previous institution is the first of the kind I meet with in Scotland, and probably gave rise to that of the lords of the articles, who afterwards became

became such instruments of tyranny in Scotland. James seems to have borrowed it from the English parliament, where, on the first day of the session, a certain number of members were appointed, under the name of triers. Upon the whole, I am inclined to consider the institution as an innovation introduced by the prerogative, on pretext that a military assembly, such as the parliament of Scotland formerly was, could not spare time to enter upon a minute detail of civil business; and therefore it was proper to save the members trouble, by cutting off all unnecessary altercations, and preparing a state of the matters that were to come before them. Whether the king himself nominated those articulators (as they were afterwards called) does not evidently appear. I am inclined to think he did, and that they were afterwards approved of by the assembly; but be that as it may, the institution was equally absurd as it was arbitrary.

A. D. 1433.
Institution
of the par-
liament.

The great question that came before this parliament was, "Whether the regency of Scotland could legally repeal the late earl of March's attainder?" I cannot, however, help observing, that James had already prejudged the question; for he had not only seized the earl's castle and estate, but had deprived him of his liberty and title, being forced to answer by the name of Sir George Dunbar. His advocates urged the pardon that had been granted him

Its proceed-
ings.

A. D. 1433. him by the late regent, who was then the supreme magistrate of Scotland; but the crown lawyers (and I am apt to believe they were in the right) pleaded, that the regent had no such power, and that his pardon could have no validity, unless directed or confirmed by the sovereign, whose prerogative alone it was to pardon traitors. They shewed, that the earl of March's estate, by his rebellion, became actually part of the crown-land, from which the regent had no power to sever it, especially during his master's minority; and that all the resumptions that had been made since the return of James, proceeded upon that principle. The pleadings being finished, the assembly pronounced sentence by the mouth of their dempster (an antient office still remaining in the criminal courts of Scotland) "That by reason of the forfeiture of George Dunbar, sometime earl of March and lord of Dunbar, the earldom of March, lordship of Dunbar, and all the other lands which the said George had held of the crown of Scotland, did and do belong to the king who now is, both as to the right of propriety and possession." Such was the decision of the Scotch parliament on this delicate affair; and though I think James was well founded in the prosecution, yet the manner of his carrying it on, by giving the sanction of law to a case which he had already prejudged by his power, was a dangerous precedent. On the other hand, we are
to

to consider, that the situation of the earl of March's estate in the neighbourhood of England exposed its possessor to prodigious temptations for rebelling; and a prince less jealous of his prerogative than James was, would have pursued the same measures for annexing it to his crown.

James, to shew that his proceedings against the earl of March took their rise from a kind of political necessity, immediately created him earl of Buchan, the French constable of that name being dead without male heirs. The laws of Scotland, however, generally suffering the great fiefs to descend to females, and the constable having left behind him a daughter, who was afterwards married into the house of Winton, it is hard to say, whether the title and estate reverted to the crown by the constable dying without male heirs, or whether James did not take it into his own hand, as thinking that the regent had no right to bestow such a fief on his son. I mention this particular, to shew the reader the fundamental principles of James's government, in which he is justifiable. The regent dukes of Albany, as appears from the arrogance of their titles, which I have specified, had undoubtedly encroached upon the prerogative. It is true, that James was a prisoner; but we are to observe, at the same time, that after he came to years of discretion he exercised acts of sovereignty, which were so far from being discountenanced by the prince in whose custody he was, that

*Moderation
of James.*

A.D. 1433. that he put his subjects to death as traitors, upon pretence of their not obeying him.

who re-an-
nexes the
earldom of
Strathern to
his crown.

I have already mentioned, that the eldest son of Robert the second, by Euphane Ross, had been by his father made earl of Strathern, which in old records is called a county-palatine * ; but it was expressly provided, that the title should return to the crown, in case that prince should die without heirs male. This proved to be his fate ; for he left behind him only a daughter, Euphane, who being married to Patric Graham, a younger son of Sir Patric Graham of Kincardin, that gentleman took upon himself the title of Strathern, in which he was imitated by his son Miles, no doubt with the consent of the governor ; so rivetted were the Scots of those days to their notions of female succession in the great fiefs and titles. James looked upon Graham's assuming that title as being no better than an usurpation ; and he had many other reasons for stripping Graham of his title and estate ; but he gave him in exchange that of Menteith and Airth, to the great dissatisfaction of the family, particularly of his uncle Robert, who vowed a revenge which he afterwards too

* The meaning of this term is no more than a county, the possessor of which had the powers of a palace, that is, his steward, chancellor, and other offices of state ; every county being originally supposed to be an epitome of the king's court, to which all of them, however, relieved. Many earls, or counts, were reduced too low to keep up the dignity of palatines ; but in England some hold that rank to this day.

successfully executed. His discontent was so public, that he was summoned to take his trial; but he thought fit to abscond from public justice *. About this time died likewise the earl of Marr, who was one of the most extraordinary personages of his time. In his youth he is said to have associated himself to a gang of robbers; but reforming his manners, the victory over Donald of the Isles, as we have already seen, was owing to him. He afterwards served with great honour under the duke of Burgundy; and acquiring an immense estate, he is said to have married one of the daughters of the earl of Holland, and to have claimed, in her right, the sovereignty of that country. The Hollanders recognized Jaqueline, duchess of Brabant, as their mistress; but the duchess having made an elopement, and married the duke of Gloucester, the earl of Marr might very probably put in some claims in right of his wife. Being disappointed, he fitted out a squadron of ships, and brought immense riches into his country, by cruising upon the Dutch and the Flemish trade. As his history is somewhat dark, I cannot relate all that has been said of him by modern authors. We know enough of it, however, to conclude that he was a man of great enterprize, both by sea and land, as

A. D. 1443.

Adventures
of the earl
of Marr.

* Bower mentions this Robert Graham to have been formerly arrested and imprisoned in the castle of Dunbar.

A. D. 1433. appeared from the immense estate which fell to the crown by his death, though we are certain that he left a daughter.

James's
conduct
blamed.

The historians who are most prepossessed in favour of James's memory, have blamed the violence of his proceedings against his great nobility; but I do not find that any writer has taxed him with invading the constitution, or violating the laws. He lived in an age when all the sovereigns in Europe complained of the excessive pride of their great barons; and James undoubtedly employed all the means in his power to reduce those of Scotland. It cannot, at the same time, be denied, that under him the state of the commons was bettered. Among other excellent institutions, he enacted sumptuary laws. Both sexes were prohibited from using any excess in apparel, and the ladies of a certain rank, particularly, from wearing pearl. The earl of Marr, among the other services he did his country, had introduced into it from foreign parts, strong and servicable breeds of horses. The people came to be accustomed to a more elegant manner of living, and particular mention is made of the art of pastry being in this reign introduced into Scotland; nor do I perceive that that kind of luxury was discountenanced by James, who probably thought that it tended to improve agriculture, and the rearing of cattle, flocks, and poultry. Mention is even made of the large carracks, or merchant-

chant-ships, which at this time traded in the ports of Scotland from abroad, and undoubtedly occasioned the sumptuary laws I have mentioned; and which at last extended to the prohibition of gold and silver lace or stuffs, and costly furs, being worn by inferior degrees. It is certain, that the wise government of James gave him great reputation in England, and all over Europe, at this period, as appears from the following negociation, which deserves more attention than has been paid it by historians.

James had kept fair with the court of England ever since his return, and under various pretexts had delayed the sending his daughter, with her six thousand attendants, to France; but I am inclined to believe, that James had privately, and by degrees, sent them over before this time. Be that as it may, it is certain, that about the year 1435, the lord Scroop came as ambassador from England to Scotland, to propose a perpetual peace between the two nations; in which case he was empowered to offer restitution of the castles of Roxburgh and Berwic, and of all that the English held in Scotland. James ordered his parliament to be summoned at Perth, where he presided in his royal robes upon his throne, which was placed before the great altar of the friars predicant. Drummond of Hawthornden, the elegant but inaccurate historian of the five James's, has put an

Remark-
able nego-
ciation with
England,

1435.

A. D. 1435. eloquent speech in the mouth of the lord Scroop, who, we are told, proposed a match between his master and the princess of Scotland; and he was answered with equal eloquence by the French ambassador. Both those speeches being evidently fabricated by the historian, I shall omit repeating them. Abercromby and other writers are, however, unpardonable in the superficial accounts they have given us of this important affair. Bower informs us, that the debates ran very high, and that after the votes were collected, the abbots of Scone and St. Colm declared, that James could not treat of peace with the crown of England, on account of his league with the king of France, which had been examined by the university of Paris, confirmed by his holiness, and lately sworn to by James himself. This report met with so strong an opposition from another party, at the head of which was Fogo abbot of Melros, that the debate was adjourned to next day. Fogo represented (and I think with great force of truth) that the arguments of the other two abbots were ill-founded; and that James, by making peace with Charles, could not intend to preclude himself from being at peace with the king of England; and even went so far as to say, that the doctrine advanced by the two abbots was erroneous and heretical. The sense of the assembly, however, was entirely against agreeing
to

to the English propositions; and Fogo narrowly escaped the flames; for he was cited to appear before the abbot of Lindores (whom the historian calls the inquisitor of heretics) to answer for his opinions. A. D. 1435.

Bower himself, in relating this transaction, seems to be of opinion (and indeed James appears to have been of the same) that the English were not sincere in this negociation, and that they only meant to disunite the Scots. James made no secret that he approved of his parliament's opinion, and that he was resolved, in all events, to fulfil his engagements with France, by sending his daughter thither. The English, on the other hand, were exasperated beyond measure at the resolution of the Scotch parliament; and it was not long before both parties took the field upon the borders. The English, at the same time, put to sea a considerable fleet, in hopes of intercepting the intended dauphiness, who, with a grand train of nobility, prelates, and others, embarked on board a squadron of forty ships. The names of her chief attendants were, the bishop of Brechin, the earl of Orkney, Sir Walter Ogilvy, lord treasurer, Herbert Harris, William Strachan, John Maxwell, William Scot, John Campbell, Alexander Seton, Henry Graham, Henry Wardlaw, knights, and others, together with no fewer than an hundred and forty ladies. As they steered their course by the western coast,

which mis-
carries.

A. D. 1435. coast, they landed safely at Rochelle, and escaped the English fleet, which was beaten by that of Castile, by the English mistaken for that of Scotland. The dauphin was then fourteen years of age, and the bride but twelve. The proper dispensations being obtained, the royal pair were conducted with great splendor to Tours, where the marriage was solemnized on the sixth of July.

1436.
The Scots
victorious
at the battle
of Pop-
perden.

By this time, the English and the Scots were in arms on the borders, the English under the earl of Northumberland, and the Scots under Douglas earl of Angus. What the particular numbers of each were, does not appear, but both armies met at a place called Popperden, where a desperate engagement followed, on the tenth of September. Victory at last declared itself in favour of the Scots; tho' the particulars of the battle are variously related. The common accounts mention the Scots having lost two hundred gentlemen and common soldiers; and, among others, Alexander Elphinston, a knight of great valour, and the head of that family. The same historians say, that the loss of the English amounted to fifteen hundred, of whom forty were knights. Sir Henry Clydisdale, Sir John Ogle, and Sir Richard Piercy, were made prisoners, with four hundred others. Bower says, that fifteen hundred English were taken prisoners, and not above forty killed on both sides; but it is on
all

all hands allowed, that the Scots were victorious. A.D. 1437.

The English had now lost Paris, and their great reputation for valour in France. James thought that he could not too early avail himself of a juncture so favourable to his views; and, in the beginning of the year 1437, he formed the design of retaking Roxburgh and Berwic. His historians admit, that his reign became, at this time, unpopular in Scotland; and that he laid hold of the opportunity of a war with England to find employment for his discontented subjects. Even his favourite prelate, Wardlaw, bishop of St. Andrew's, preached to his face against the excesses and luxuries which his English education had introduced into Scotland; and besides the sumptuary laws I have already mentioned, an act of parliament passed, by which all taverns and alehouses were to be shut up upon the tolling a bell at nine o'clock in the evening, by the magistrates of burghs, who were to forfeit fifty shillings to the king's chamberlain every time they failed in their duty. James, on the other hand, laboured earnestly to revive the antient warlike exercises of his people, which had, in a great measure, fallen into disuse by the introduction of gunpowder. An act passed, forbidding the favourite diversion of football in Scotland, and substituting in its place that of shooting with bows and arrows. Every boy, when he came

Farther re-
formation
in the
Scotch go-
vernment.

A. D. 1437. came to the age of thirteen, was obliged, at stated times, to practise archery at certain bow-marks, as they were called. By another act, general musters of all subjects, between the ages of sixteen and sixty, (called in England Wappinshawings) was ordered to be made four times a year in every sheriffdom all over the kingdom; and by another act it was ordained, that every subject should be provided with warlike weapons, according to his degree. It was plain, from all this conduct of James, that he was resolved to break the feudal connections among his subjects, and to give the command of the militia to his civil officers. The knowledge of this occasioned a deep conspiracy to be laid, which ended in his murder.

James be-
sieges Rox-
burgh.

James, drawing together a great army, besieged the castle of Roxburgh; and from that time he might be said to have been abandoned both by his good fortune and his genius. The castle was bravely defended by Sir Ralph Grey, but was on the point of surrendering, when the queen of Scotland arrived in the camp with intelligence to her husband of a general conspiracy being formed against him among the nobility. James well knew the causes of their discontent; but he acted on this occasion in a manner quite irreconcilable to the character of a brave man, and indeed to the principles of sound policy; which makes me suspect, that a true account of this conspiracy has not come to our

our hand, and that it was deeper laid than is generally reported. Without enquiring into the truth of his queen's report, he acted as if the conspirators had been in his own camp; for he immediately dismissed his army, and hastened, with a few chosen domestics, to his favourite retirement of a Dominican convent at Perth. This precipitate retreat gives room to suspect, that those who afterwards murdered him were not the only conspirators in this treason; and that they only formed the resolution of assassinating James, after he had dismissed his army. The conspiracy of eight or ten persons, however great their rank might be, unsupported by a force in the field (which happened actually to be the case) never could have induced such a prince as James to behave in the manner he did; and the queen's intelligence must have arisen from the general discontent of the great barons, who saw some of their powers daily wrested out of their hands. It was natural for them, without having any thoughts of murdering the king, to have demanded from him a repeal of the acts which had cut so deeply into their importance; and no fairer opportunity could be presented, than while they were in the field, each at the head of his military tenants; for James as yet had made but very little progress in his new scheme of forming the militia. The sudden dismissal

A.D. 1437. of the army, and the king's hasty retreat, seems to have disconcerted them.

Manner of
his murder.

We are therefore to ascribe the tragical fate of James to family-discontents, in which neither the nation, nor the bulk of the great landholders, had any concern. The earl of Athol was the youngest son of Robert the second, by his second wife, Euphane Ross, and had always considered the descendents of that prince's first marriage as spurious. He was connected with Robert Graham, whom I have already mentioned to have been discontented on account of his nephew's losing the estate and honours of Strathern; and the earl of Athol's heir and grand-child, Robert, was one of the king's domestics. Such were the three principal agents in the following catastrophe. Graham had been for some time at the head of a set of out-laws, a party of whom he is said to have brought down in the dead of night to Perth, where he posted them in the neighbourhood of the Dominican convent, where James lodged. It is plain, from the manner in which that prince then lived, that he thought all the designs of the discontented lords had been frustrated by his sudden dismissal of the army, and his hasty retreat to Perth. He had not even reserved a body-guard for his person, and was living in the most perfect security, when one of his cup-bearers, Walter Straton, as the king was at supper, went to bring him

him some wine; but perceiving armed men in his passage, planted there by Robert Stuart, who had likewise removed the bar of the door which led to the king's bed-chamber, he gave the alarm, but not in time to save the king. The conspirators immediately killed Straton, and Catharine Douglas, one of the queen's maids of honour, ran to bolt the outer door; but finding the bar gone, she heroically thrust her arm into the staple, where the bone was instantly broken, and the conspirators rushed into the anti-chamber, after murdering Patric Dunbar *, a brother of the late earl of March, who opposed them. Bursting into the room where the king and queen were at supper, James made all the defence he could against the assassins, and the queen received two wounds in interposing herself between their daggers and his body. James at last was borne to the ground, and expired under twenty-eight wounds, inflicted by the assassins.

This murder was perpetrated in November 1437; and nothing can be more surprising than the inaccuracy of the Scotch historians, who are not agreed as to the time. Abercromby, in endeavouring to correct those who went before him, has brought it down to the night

* Bower says that, at the time of the king's murder, he was in the town of Perth, from whence he ran to rescue the king; but coming too late, the assassins dispatched him, after cutting off the fingers of his left hand.

A. D. 1437. between the twentieth and twenty-first of February, 1438; but Mr. Rymer, in his *Collections*, has published a letter from James the second, dated the last day of November, 1437, and in the first year of his reign. It is generally agreed, that James the first was murdered in the forty-fourth year of his age, and the thirteenth of his reign, dating it from his restoration.

His character.

Many are the particulars relating to this prince's character that could not be interwoven in a general account of his life. Whoever is conversant in history may easily see, that James wanted to throw off the constitutional restraints upon his prerogative, but to do it in such a manner as to disguise his intentions under the most legal forms. If we are to judge from the tenor of his conduct, we must be of opinion, that he had nothing in view but the good of his people. His great abilities for government would have rendered them happy, had he been despotic; but, as was said of Augustus Cæsar, he ought either to have been immortal, or never to have existed, because a worthless successor would have enslaved his people; and even the acquisitions of prerogative he made proved dangerous and fatal in the hands of such of his posterity as were not endued either with his capacity or virtues. The severity of his government would, in some instances, have been inexcusable, had it not been justified by the ferocious manners

manners of his subjects; a pregnant instance of which we have in the person of a capital ruffian in the highlands, who robbed a poor woman. Upon the villain's refusing her restitution, she swore she would not be shod (that is, she would not put on shoes) till she had complained to the king; upon which, the robber nailed horses shoes to her feet and hands. The woman recovered of her wounds, and laid before James at Perth, the treatment she had met with. He immediately ordered the monster to be apprehended; and being brought to Perth, he first inflicted upon him the torture the woman had suffered, and then ordered him to be gibbeted. The method which James had established for bringing capital offenders to justice was admirable; for he wrote a peremptory letter with his own hand, and sealed with a private signet, to the chief civil magistrate in the neighbourhood where the offence was committed, requiring him, on his allegiance, to apprehend the criminal, but enjoining him secrecy till he was in actual custody.

The manner, in which James treated the earls of Dunbar and Strathern, does great honour to his firmness and moderation after he had carried his point; but, as I have already observed, he was not excusable in his previous proceedings with regard to the former. He considered the succession of females and their descendents to great fees as a vast prejudice to the crown; but

A. D. 1437. but he respected the old nobility as the principal ornaments of his throne, tho' no longer than they kept themselves within the bounds of their duty. Bower, who lived at the time, tells us, that he knew a great nobleman, and a near relation to James, who gave a blow to another in the court. The king ordered the offending hand to be stretched on a table, and presenting a knife to the offended party, ordered him, under pain of death, to nail the hand to the table. The queen, her maids of honour, the prelates and clergymen interposed, and threw themselves at the king's feet, where he suffered them to continue for an hour before he would pardon the offender, and even then he banished him from the court.

I have already mentioned the literary and civil accomplishments of James; those of his person were equalled by few. Tho' not quite of a middling stature, he excelled all his subjects in the most robust exercises, while he endeavoured to soften their manners by introducing the polite arts, particularly those of painting, music, and poetry, to their acquaintance. His excellency in all the qualities that became a king, is, with great reason, assigned as the cause why Henry the fifth, while he loved and esteemed his person, never would grant him his liberty. The peace, order, and politeness that reigned in Scotland, at the time of his death, are the best encomiums upon his conduct; and his memory receives an
addi-

O F S C O T L A N D.

additional lustre from the miseries that befel A.D
Scotland under some of his successors. The universal detestation of his murder, and the punishment inflicted upon his assassins, prove how dear he was to his people at the time of his death *.

* Abercromby, and other Scotch historians, relate the signal punishment inflicted on the murderers with great delight; but it is too disagreeable a subject to enter into the body of general history. "I am sorry (says Abercromby) that I cannot inform my reader by whom the earl of Athol himself, and the rest of the murderers, were apprehended; but we are sure that so much diligence was used, that within less than forty days all the conspirators were brought to Edinburgh, arraigned, condemned, and executed. The meaner sort of them, such as Christopher Clawn or Cahoun, were hanged on gibbets; but the earl himself, his grandchild Robert Stuart, and cousin Graham, were proceeded against with unprecedented severity, being justly adjudged to exquisite torments, and new kinds of death. Some part of three days was spent in the execution of Athol. On the first he was stripped naked to his shirt, set in a moving cart, where, a crane being fixed, his body was often lifted up by a pulley to a great height, and shewed to the spectators for some time, then suddenly let fall almost to the ground; by which means his members were miserably disjointed, and his life preserved for more shame and no less pain: for on the second day he was placed on a pillar in the view of the people, and a crown of hot iron set on his head, with this inscription, "Here stands the king of traitors." Thus was his oracle accomplished. On the third, being placed on an hurdle, he was dragged by horses through the High-street to the place of execution, where being laid on a plank, first his bowels, then his heart was pulled out, and thrown into a fire. Lastly, his head being cut off, was fixed on a pole in the most eminent place of the city, and his body sent in quarters to the four chief towns of the kingdom.

"Robert Stuart, being but a young man, and therefore the more easily seduced by the influence of a grandfather, was used more mildly; yet though he was so nearly related to the royal family, had not the honour of being beheaded like a person of quality, but, as one of the meanest of the people, was hanged and quartered. His quarters were also set up in different towns, as spectacles for the people to gaze at.

"Robert Graham, the grand executioner, though not the chief contriver of the whole villany, was used as his crime deserved;

A. D. 1437.

It would be unjust to his memory, should we omit the reformation he had introduced into his courts of justice. One was as humane as it is singular ; for he obliged every advocate who

served ; and I am heartily sorry that any one of that surname, to whose loyalty and prowess that nation is upon so many other accounts very much indebted, should have deserved so rigorous treatment. He was first dragged through the streets in a cart backward, then his hands (those sacrilegious hands which he had lifted up against his royal master, the Lord's anointed) being fastened in iron hooks, and fixed to a gibbet in the same cart ; the most fleshy parts of his naked body, particularly those that are most remote from the vitals or springs of life, as the legs, thighs, and shoulders, were seared by three executioners with burning pincers, and leisurely burnt to the very bones. This done, his body was cut in quarters, and disposed of as those of his accomplices. Such was the natural boldness or ferocity of this perverse man, that being asked how he durst offer to kill his sovereign, he made answer, even when he was under the extremity of pain, and very near breathing out his last, " That he durst leap out of heaven and all its joys into the torturing flames of hell." Yet he is by others said to have made this excuse for himself, that being out-lawed and banished by the king, he ceased to be his subject ; as if the punishment of former crimes could make after-ones lawful, or the ceasing to be a good subject entitled one to be a sovereign ; or rather as if rebellion gave right to commit murder, patricide, sacrilege, &c. Such a villanous excuse was so far from taking with the people, that the following rhyme, designed to express their abhorrence of the fact, became a proverb among them.

" Robert Grahamen
That slew our king,
God give him shamen."

" Æneas Sylvius, the pope's nuncio in Scotland at that time, and who himself was made pope some years after, saw those dreadful executions with some horror, but more admiration, and said, " That he was at a loss to determine, whether the crime committed by the regicides, or the punishment inflicted upon them by the justice of the nation, was the greatest." And this, I take it, is a convincing proof, that the nation was very free from the least imputation of guilt." Abercromby, vol. II. p. 308, 309, 310.

attended

attended at the bar, (called, in the Scotch law, Forſpeakers,) to ſwear, before they entered upon any proceſs, “ That they ſhould ſay nothing but truth, in order to make it appear ſuch to the judges : That they ſhould not go about to corrupt the judges with promiſes or bribes : That they ſhould make uſe of no falſe nor frivolous arguments ; and laſtly, That they ſhould by no means offer to delay or retard the deciſion of the caſe in debate.” James, convinced of thoſe being fundamental principles in equity, reduced them into four monkish rhimes, that it might be the better imprinted on the memories of the practitioners *.

A. D. 14
Black A
l. 21, c.

In the beginning of his reign, that he might make his ſubjects ſenſible of the inconveniences and hardſhips of perſonal attendance in parliament, he impoſed a fine of ten pounds upon every baron, or freeholder, who was abſent ; and this rendered the conformity of the Scotch to the Engliſh conſtitution, which was one of the chief points he had in view, the more practicable. At the time of his death, the hereditary revenues of the crown amounted to a large ſum ; but all the policy of James could not, at firſt, reconcile the common people to a taxation. He was obliged not only to remit the tax im-

* Illud juretur, quod lis ſibi juſta videtur ;
Et ſi quaeretur, verum non inficietur :
Nil promittetur, nec falſa probatio detur ;
Ut lis tradetur, delatio nulla petetur.

A. D. 1437. posed for his costage in the beginning of his reign, but to return the money that had been levied, to the parties who had advanced it: nor do we know of any tax afterwards imposed, till the marriage of his daughter to the dauphin of France. John Major, an old but credulous historian of Scotland, says, he was so severe upon the princes of his own blood, that he used to tell his queen, "he would not leave a man in Scotland alive, who might not, in point of consanguinity, go to bed to her;" a barbarous menace, unworthy the character of James, and probably therefore fictitious. The other parts of his character may be collected from his life: I shall close it by observing, that he is generally (and I believe very justly) accounted the author of a very humorous ballad, called Christ's Kirk on the Grene; and Major mentions some other pieces of his poetry, which were extant in the reign of James the fifth, particularly a copy of verses which he addressed to his queen while he was courting her.

His issue.

He was buried (says Abercromby) in the church of the Chartreux at Perth, and left behind him one son, king James the second, and five daughters; Margaret, married to Lewis, dauphin, afterwards king, of France by the name of Lewis the eleventh; Isabel to Francis the first, duke of Brittany; Jean, who was promised to the eldest son and heir of the duke of Savoy, and thrice married, first to James earl of
of



JAMES, II.

of Angus, then to Alexander earl of Huntly, and lastly to James earl of Morton; Helenor, married to Sigismund, duke, or, according to others, archduke, of Austria; and Mary to John lord of Campvere and Zeeland. A.D. 1437.

The device attributed to this prince by Mr. Anderson is a crown upon the ground, from which arise a sword and a cross, with the motto *Pro lege et grege*. Abercromby mentions another device he made use of, consisting of a branch of thistles, with a sprig of rue, and the motto *Pour ma defence*; the meaning of which, even according to that writer's interpretation, I do not clearly comprehend.

JAMES THE SECOND.

THIS prince was about seven years of age at the time of his father's murder; and, by a fatality that may be easily accounted for, all the shining virtues and talents of the late king proved now to be fatal and pernicious to his country. He left the great plan of policy he had sketched out, unfinished, or, at least, without a durable consistency. The great nobility, who had felt the rod of his government, being no longer awed by his power, resumed their feudal usages, by disregarding the civil authority Punishment of the murderers of James the first.

A. D. 1438. which the first James had so strenuously laboured to introduce, in place of their barbarous clanships. More parliaments had been assembled in Scotland, during the late reign, than perhaps she had ever seen before; so that the people were familiarized to that institution, and one was called at Edinburgh in 1438. In this parliament, the severe punishments inflicted upon the murderers of the late king were decreed; nor durst the proudest or most powerful of the nobility refuse to join in the deepest lamentation (however they might otherwise have been affected) that Scotland had ever known. The coronation, on account of the young king's age, was performed at the abbey of Holyrood-house, to which the states of the kingdom repaired in great pomp from the castle of Edinburgh *. The untimely death of the late king, who had prescribed no form of a regency, rendered the settlement of the government a matter equally difficult as it was important. Archibald earl of Douglas, and duke of Touraine, was by far the greatest subject in the kingdom; but the people were disgusted with regencies, and that nobleman had been no favourite during the late reign. His rank, however, gave him the direction of the government; and Abercromby says, that he had seen two original papers, with the great seal ap-

* Lindsay of Pitscottie, whose history begins with this reign, crowned says, that young James was crowned at Scone.

pende to them, the one dated at Edinburgh A.D. 1438. the twenty-eighth of November, and the other the eighth of December; by which it appears, that a parliament, or general council of the three estates, was held at Edinburgh, on Thursday the twenty-seventh of November, 1438, by the most excellent prince and lord Archibald duke of Touraine, earl of Douglas and Longo-ville, lord of Galloway and Annandale, and lieutenant-general of the kingdom. From subsequent proceedings it evidently appears, that the parliament of Scotland took upon itself the settlement of the government during the minority; and that the struggles which happened afterwards between Crichton the chancellor, and Levingston the governor of the kingdom, were the effects of party and faction.

The apprehensions the late king was under of a general conspiracy were so strong, that he had A truce. commissioned Alexander lord Gordon, Alexander lord Montgomery, Mr. John Methven, and John Vaus, to negotiate a truce with England; and to assist the bishop of Brechin, Sir Walter Ogilvy, and Sir John Forrester, who were already at London for the same purpose, in bringing it about. A truce was accordingly obtained for nine years, that is, from the first of May 1438, to the first of May 1447. The conservators of this truce on the part of England were, the dukes of Gloucester and Norfolk, the earls of Sarum, Northumberland, and West-

A. D. 1438.

Westmoreland, John de Graystoc, Sir Henry Fenwic, and others; and they for Scotland were Archibald duke of Touraine and earl of Douglas, the earls of Angus, Crawford, and Annandale, the lords of Gordon, Dirlton, Sommerville, Herries of Carlaverock, Montgomery, Crichton, Hales, Sir Archibald Douglas, sheriff of Teviotdale, Sir Thomas Kilpatric, and Sir Walter Scot. After this, the limits of the two kingdoms were settled by the same commissioners. This preservation of the public tranquillity was undoubtedly in a great measure owing to the desperate state of the English affairs in France. The English had of late reduced the castle of St. Anian, in which three hundred Scotch soldiers were put to the sword, but by what right does not appear, unless the place was taken by storm. The truth is, the ferocious manner in which the English carried on war in France is indefensible; for we are told, that they gibbeted all the French whom they found in the same castle, on pretence that they had been formerly subjects to England.

Account of
the admin-
istration of
Scotland.

About this time died Archibald earl of Douglas, and he was succeeded by his son William, a nobleman of a turbulent disposition; so that the nobility of Scotland thought it high time to provide for the future government of their kingdom; but their historians are scandalously deficient in this period. Lindsay, who had excellent information, says, that the late earl proved

a ty-

a tyrant; that he oppressed all his neighbours, exercised regal powers, and would suffer none of his tenants to be amenable to the civil courts; all which misconduct was imitated by his son. Whether the old earl was deprived of his lieutenantcy before his death does not absolutely appear; but the parliament undoubtedly, at this time, appointed Sir Alexander Levingston of Callendar to be governor of the kingdom, that is, to have the executive power, while Sir William Crichton, as chancellor, had the direction of the civil courts of law and justice. This happened to be a most unfortunate partition of power for the public. The governor and chancellor quarrelled; the latter took possession of the king's person and the castle of Edinburgh, to neither of which he had any right; but the former had on his side the queen-mother, a woman of intrigue and spirit. Her son was shut up in the castle of Edinburgh; and in a short time there was no appearance either of law or government in Scotland. The governor's edicts were counteracted by those of the chancellor under the king's name, and those who obeyed the chancellor were punished by the governor; while the earl of Douglas, with his great following and dependents, was a declared enemy of both parties, whom he equally sought to destroy.

The queen-mother demanded access to her son, which Crichton could find no pretext for de-

The young king stolen away by his mother.

A.D. 1438. denying her ; and she was accordingly admitted with a small train into the castle of Edinburgh. She played her part so well, and dissembled with so much art, that the chancellor, imagining she had become a convert to his cause, treated her with unbounded confidence, and suffered her at all hours to have free access to her son's person. Pretending that she had vowed a pilgrimage to the white church of Buchan, she recommended the care of her son's person, till her return, to the chancellor, in the most pathetic and affectionate terms ; but, in the mean time, she secretly sent him to Leith, packed up in a cloaths-chest ; and both she and James were received at Stirling by the governor, before the escape was known. As every thing had been managed in concert with Levingston, he immediately called together his friends, and laying before them the tyrannical behaviour of the chancellor, it was resolved to besiege him in the castle of Edinburgh ; the queen promising to open her own granaries for the use of the army. The chancellor foresaw the storm that was likely to fall upon him, and sought to prevent it by applying to the earl of Douglas. That haughty nobleman answered him in the terms I have already mentioned, and that he was preparing to exterminate both parties. The siege of Edinburgh-castle being formed, the chancellor demanded a parley, and to have a personal interview with the governor ; which the latter, who
was

was no stranger to the sentiments of Douglas, A.D. 1438 readily agreed to. The reader can easily imagine the arguments used by the chancellor to effect a reconciliation with his rival. It is sufficient to say, that common danger united them in a common cause; and the chancellor resigning to the other the custody of the castle and the king's person, with the highest professions of duty and loyalty, the two competitors swore an inviolable friendship for each other. Next day, the king cemented their union, by confirming both of them in their respective charges.

The lawless example of the earl of Douglas encouraged the other great landholders to gratify their private animosities, sometimes at the expence of their honour as well as their humanity. A family-difference happened between Sir Allan Stuart of Darnley, and Thomas Boyd of Kilmarnock; but it was concluded that both parties should come to a peaceable agreement at Polmaisthorpe, between Linlithgow and Falkirk, where Stuart was treacherously murdered by his enemy. Stuart's death was revenged by his brother, Sir Alexander Stuart of Beilmouth, who challenged Boyd to a pitched battle, the principals being attended by followings which carried the resemblance of small armies. The conflict was fierce and bloody, each party retiring in its turn, and charging with fresh fury; but at last victory declared itself for Stuart, the bravest of Boyd's attendants being cut off in

Civil commo-
tions.

A. D. 1439. the field. About this time, the islanders, under two of their chieftains, Lauchlan Maclean, and Murdoc Gibson, notorious free-booters, invaded Scotland, and ravaged the province of Lenox with fire and sword. They were opposed by John Colquhoun of Lufs, whom they murdered, some say treacherously, and others in an engagement at Lochlomond, near Inchmartin. After this, the robbers grew more outrageous than ever, filling all the neighbouring country not only with rapine, but murders of the aged, infants, and the defenceless of both sexes. At last, all the labouring hands in the kingdom being engaged in domestic broils, none were left for agriculture; and a most terrible famine ensued, which was attended, as usual, by a pestilence. James was now about ten years of age; and the wisest part of the kingdom agreed, that the public distresses were owing to a total disrespect of the royal authority. The young earl of Douglas never had fewer than a thousand, and sometimes two thousand, horse in his train; so that none was found hardy enough to controul him. He pretended to be independent of the king and his courts of law; that he had a power of judicature upon his own large estates; and that he was entitled to the exercise of royal power. In consequence of this he issued his orders, gave protections to thieves and murderers, affected to brave the king, made knights, and,

1440.

and, according to some writers, even noblemen, of his own dependents with a power of sitting in parliament. A. D. 1440.

The queen-mother was not wholly blameless as to those abuses. She had fallen in love with, and married, Sir James Stuart, who was commonly called the Black Knight of Lorn, brother to the lord of that title, and a descendent of the house of Darnley. Her affection for her husband renewed her intrigues in the state; and not finding a ready compliance in the governor, her interest inclined towards the party of the Douglasses. The governor sought to strengthen his authority by restoring the exercise of the civil power, and the reverence due to the person of the sovereign. Marriage of the queen-mother.

On the second of August 1440, he called a parliament at Stirling, where the king presided in person. This parliament, after providing, as usual, for the freedom of the church, passed acts for holding courts of justice, or airts (as they are called) on both sides the Forth, and in presence of the king, or in the neighbourhood of his residence. The introduction to another act is, "The three estates have concluded, that our sovereign lord the king ride through all the realm, upon advice of any rebellion, slaughter, burning, robbery, and so forth, in order to punish transgressors, and redress injuries." The act then proceeds to order all the barons to assist him with their persons A parliament, and its acts.

A.D. 1440.

and goods, as often as required, by advice of his council. I have mentioned this act the more particularly, as it has given rise to a ridiculous contest between the favourers and opposers of arbitrary power. The latter pretend, that the preamble to the act indicates the parliament to be a paramount power to the king, of which, in one sense, there can be no doubt, as the barons and nobility of Scotland (as I have often proved) have always asserted that right. The prerogative writers, on the other hand, tell us, that this act discovers the great reverence paid to the person of the king by his subjects, but without observing, that it was while he was in the execution of the law, to which, young as he was, he was bound. Upon the whole, this act is an incontestible evidence, that the laws of Scotland were to be the standard of the king's conduct; and that in honouring the king they did no more than vindicate the laws, and the dignity of the legislature. Levingston, who is now designed lord Callendar, is, however, accused of having an eye to the establishment of his own power by the person and presence of the king; but I cannot see with what reason, as the acts were salutary and constitutional.

The queen
dowager and
her husband
imprisoned.

The conduct of the lord Callendar was, in other respects, not so defensible, either as to prudence or policy. Upon the queen expressing her inclination that her husband might be
ad-

A. D. 1440.

admitted to some part of the administration, the governor threw both him and his brother, the lord Lorn, into prison, on a charge of undutiful practices against the state, and abetting the earl of Douglas in his enormities. The queen, taking fire at her husband's imprisonment, was herself confined in a mean apartment within the castle of Stirling; and a convention of the states was called, to judge in what manner she was to be proceeded against. The case was unprecedented and tender; nor can I believe the governor would have carried matters to such extremity, had he not had strong evidences of her illegal behaviour. She was even obliged to dissemble her resentment, by making an open profession before the states, that she was intirely innocent of her husband's practices in time past, and that she would for the future behave as a peaceable and dutiful subject to the laws and the sovereign. Upon her making this purgation (as Lindsay calls it) she was released, as were her husband and his brother, being bailed by the chancellor and the lord Gordon, who became sureties for their good behaviour in the penalty of four thousand marks. The governor is accused, after this, of many arbitrary and partial acts of power; and indeed if we consider his situation, and the violence of the parties which then divided Scotland, it was next to impossible, consistently with his own safety,

A. D. 1440.

The king
carried from
Stirling.

safety, to have exerted the virtues either of patriotism or moderation.

The chancellor was inwardly vexed at the small regard which the governor paid to his person and dignity, and secretly connected himself with the queen-mother; but, in the mean time, he remained at Edinburgh. The king and his mother continued all this time at Stirling, where the governor, on pretence of consulting the public safety, and that of the king's person, maintained a strong guard, part of which attended James in his juvenile exercises and diversions. The queen-mother did not fail to represent this to her son as a restraint upon his liberty; and obtained his consent to put himself into the chancellor's hands. The latter, who was a man of activity and courage, knew well how to avail himself of this permission; and crossing the Forth in the dark with a strong body of horse, they surrounded the king as he was hunting next morning by break of day. It was easy to perceive, from the behaviour of James, that he was no stranger to the chancellor's attempt; but some of the king's guard offering to dispute the possession of his person, Sir William Livingston, the governor's eldest son, nobly restrained them, and suffered the king to depart quietly. This surprisal happened on a day when the governor was absent from Stirling; and the chancellor,

cellor, to make sure of his royal acquisition, entered Edinburgh at the head of four thousand horse, where the king and he were received by the citizens with loud acclamations of joy. A. D. 1440

It is doing no more than justice to the memory of the governor when I say, that at this time he acted the part of a wise man, and an excellent patriot. Instead of seeking to revenge himself, or of having recourse to the earl of Douglas, he betrayed no emotion or concern at what had happened, but followed the dictates of plain sense; for he offered the chancellor his friendship by the mediation of Henry Leighton, bishop of Aberdeen, and John Innes, bishop of Murray, two venerable prelates, who happened to be then at Edinburgh. The same principle that had actuated the governor to make the offer, prevailed with the chancellor to agree to it; and the former magnanimously came to Edinburgh as a private nobleman, with very few attendants; and every thing having been previously settled by the two prelates, he had an interview with his rival in St. Giles's church, where all differences between them were terminated in an amicable manner. It was agreed, that the custody of the king's person should remain with the chancellor, and that the administration of the government should be continued with the lord Callendar; and, in case of any difficulties being started, Wife conduct of Callendar.
that

A. D. 1440. that they should be referred to a friendly arbitration.

Great
power of
the earl of
Douglas,

The young lord Douglas continued to brave both parties. As if he had been a sovereign prince, he demanded by his ambassadors, Malcolm Fleming of Cumbernauld, and Allan Lawder, the investiture of the sovereignty of Touraine from Charles the seventh of France; which being readily granted him, served to encrease his pride and insolence. The first fruit of the accommodation between the two great officers of state, was the holding a parliament at Edinburgh, for redressing the public disorders occasioned by the earl of Douglas; and encouragement was given for all persons who had been injured to make their complaints. The numbers which on that occasion resorted to Edinburgh were incredible; parents, children, and women calling out for vengeance for the murders of their relations, or the plunder of their estates; till, by the multiplicity of their complaints, they became without remedy, none being found bold enough to encounter the earl of Douglas, or to endeavour to bring him to a fair trial. The parties therefore were dismissed without relief, and it was resolved to proceed with the haughty earl in a different manner. Letters were written to him by the governor and chancellor, and in the name of the states, requesting him to appear with his friends in parliament, and to take that lead in
public

OF SCOTLAND.

public affairs, to which they were entitled by their high rank and great possessions. The manner in which those letters were penned, made the thoughtless earl consider them as a tribute due to his greatness, and as proceeding from the inability of the government to continue the administration of public affairs without his countenance and direction. Without dreaming that any man in Scotland would be so bold as to attack him, even single or unarmed, he answered the letters of the chancellor and governor, by assuring them, that he intended to set out for Edinburgh; and the chancellor, on pretence of doing him honour, but in reality to quiet his suspicions, met him while he was on his journey, and inviting him to his castle of Crichton, he there entertained him for some days with the greatest magnificence and appearance of hospitality.

It was easy for a statesman, well versed in all the arts of dissimulation, to over-reach a young nobleman, intoxicated with pride and self-conceit. The earl of Douglas believed all the chancellor's professions of friendship, and even sharply checked the wisest of his followers, who counselled him not to depend too much on appearances, or to trust his brother and himself, at the same time, in any place where the chancellor had power. The latter had not only removed the earl's suspicion, but had

Vol. III. B b b made

A. D. 1440. made him a kind of convert to patriotism, by painting to him the miseries of his country, and the glory that must redound to him and his friends in removing them. It was in vain for his attendants to remind him of his father's maxim, never to risk himself and his brother at the same time; for, without hesitation, he attended the chancellor to Edinburgh, and being admitted into the castle, they dined at the same table with the king. Towards the end of the entertainment, a bull's head, the certain prelude of immediate death, was served up. The earl and his brother started to their feet, and endeavoured to make their escape; but armed men rushing in, overpowered them, and tying their hands, and those of Sir Malcolm Fleming, with cords, they were carried to the hill and beheaded. The young king endeavoured with tears to procure their pardon, for which he was severely checked by his unrelenting chancellor. I shall not here either aggravate or extenuate this horrid fact, which has so many parallels in the histories of other countries, that it may be considered as a vindication of the Scots, by its making so remarkable a figure in their annals. Even the writers who have been the most severe on the memory of the chancellor on this occasion admit, that the earl of Douglas was too great for public justice. Abercromby pretends, that some form
of

of a trial was held before the executions; but that, if true, would only add to the horror of the fact. A. D. 1442.

I am strongly inclined to believe, that the deaths of the earl of Douglas and his brother were planned and executed by the chancellor, without the participation of the governor. It is certain, that the latter purged himself by oath of having any hand in the death of Sir Malcolm Fleming, whose son inherited his honours and estate; but, at the same time, that he expressed no resentment or difference with the chancellor about what had happened. As to the family of Douglas, both the young noblemen dying unmarried, the estate and honours devolved upon their uncle, James earl of Abercorn, who had married Beatrix, the daughter of Archibald duke of Albany, regent of Scotland. This nobleman probably disapproved of the behaviour of his nephews; for we are told, that after their deaths, which happened on the twenty-eighth of November, Scotland was restored to tranquility for almost two years, and the new earl of Douglas, who was surnamed the Gros, was made sole guardian of the marches; so that the year 1442 passed quietly over. Upon the death of the Gros earl of Douglas, he was succeeded by his eldest son, William, an ambitious, turbulent, nobleman. The earl of Douglas who had suffered at the castle of Edinburgh, left a sister, by the chancellor.

1442.

1443.

A.D. 1443. who by his death was entitled to a vast family-estate, and was commonly called the Fair Maid of Galloway. The young earl, desirous to get possession of her person and estates, had applied (others say his father had) for a dispensation from the pope for their marriage. This was opposed by the earl of Angus, Sir James Douglas of Dalkeith, and the other branches of that great family; but the impetuous earl found means to consummate the marriage, even on a Good Friday, and thereby re-united the great possessions of the family; though we are told, that the king prohibited the match, as the lady was a ward of the crown. This proceeding, though it is far from deserving the epithets bestowed upon it by Abercromby, and the other historians of his principles, rendered the earl so unpopular, that he had recourse to the arts which had been so much condemned in his predecessors, for supporting himself. He was not only attended by an army of followers, but put himself at the head of all the robbers and banditti in the kingdom. One John Gormac, an Athol man, and a desperate out-law, presuming upon the earl's patronage, was so audacious as to attempt to rescue a thief from Sir William Ruthven, the sheriff of Perthshire, who encountering him bravely, slew him, and thirty of his followers, on Midsummer this year.

By

By this time the king, being fourteen years of age, declared himself out of the state of minority, and took the administration of affairs into his own hands. By what can be gathered from his history, the young prince discovered a spirit and resolution that was surprising at his years. He had appointed one Robert Sempil of Fulwood to be chief governor of the castle of Dumbarton; but he was killed by one Galbraeth, (a noted partizan of the earl of Douglas) who seized upon the government of the castle. The popularity of the earl of Douglas having somewhat subsided, and finding himself not supported by the chief branches of his family, he began to think now that the king was grown up, his safest course would be to return to his duty. He accordingly repaired to the king at Sterling, and voluntarily throwing himself at his majesty's feet, implored his pardon for all his transgressions, and solemnly promised, that he would ever after set a pattern of duty and loyalty to all the rest of his subjects. The king, finding that he insisted on no terms but that of pardon, and that he had unconditionally put himself into his power, not only granted his request, but made him the partner of his inmost councils.

A. D. 1443.
The king
of age.

James had always disliked the murder of the earl of Douglas and his brother; and the chancellor, perceiving the ascendancy which this earl was daily gaining at court, thought it high time

New acts of
resumption,

A.D. 1443. time to provide for his own safety. He therefore resigned the great seal, and retired to the castle of Edinburgh, the custody of which he pretended had been granted to him by the late king during his life, or till the present king should be at the age of one-and-twenty, and prepared it for a siege. The lord Callendar, who knew himself equally obnoxious as Crichton was, to the earl of Douglas, and that he could not maintain his footing by himself, resigned likewise all his posts, and retired to one of his own houses, but kept possession of the castle of Stirling. As both that and the castle of Edinburgh were royal forts, the two lords were summoned to surrender them; but, instead of that, they justified their conduct by the great power of their enemies, who fought their destruction, and who had been so lately at the head of robbers and out-laws, but promised to surrender themselves to the king, as soon as he was of lawful age (meaning, I suppose, either eighteen or twenty-one). This answer being deemed contumacious, the chancellor and the late governor, with his two sons, Sir Alexander and Sir James Livingston, were proclaimed traitors in a parliament which was summoned on purpose, to be held at Stirling. In another parliament held at Perth the same year, an act passed, that all the lands and goods which had belonged to the late king should be possessed by the present king, to the time of his lawful age, which is not specified.

fied. This act was levelled against the late governor and chancellor, who were accused of having alienated to their own uses, or those of their friends, a great part of the royal effects and jewels; and their estates being confiscated, the execution of the sentence was committed to John Forrester of Corstorphin, and other adherents of the earl of Douglas. A. D. 1443.

This sentence threw all the nation into a and fresh
broils, flame. The castle of Crichton was besieged and surrendered upon the king's summons and the display of the royal banner, and the castle itself was levelled with the ground. It soon appeared, that the governor and chancellor, the latter especially, had many friends, and in particular Kennedy bishop of St. Andrew's, nephew to James the first, who took their parts from the dread and hatred they bore to the earl of Douglas and his family. Crichton thus soon found himself at the head of a body of men; and while Forrester was carrying fire and sword into his estates, and those of the late governor, his own lands and those of the Douglasses were over-run. Corstorphin, Abercorn, Blacknefs, and other places, were plundered; and Crichton carried off from them more booty than he and his adherents had lost. Particular mention is made of a fine breed of mares which Douglas had lost on this occasion. That nobleman was so much exasperated by the great damages he had sustained, that he engaged his friends, the earl of Crawford

A.D. 1443. ford and Alexander Ogilvy of Innerquharity, to lay waste the lands of the bishop of St. Andrew's, whom he considered as the chief support of the two ministers. This prelate was not more considerable by his high birth, than he was venerable by his virtue and sanctity, and had, from a principle of conscience, opposed the earl of Douglas and his party. Being conscious he had done nothing that was illegal, he first admonished the earl of Crawford and his coadjutor to desist from destroying his lands; but finding his admonitions ineffectual, he laid the earl under an excommunication.

especially in
August.

That nobleman was almost as formidable in the northern, as the earl of Douglas had been in the southern, parts of Scotland. The Benedictine monks of Aberbrothwic, who were possessed of great property, had chosen Alexander Lindsay, his eldest son, to be the judge or bailiff of their temporalities; as they themselves, by their profession, could not sit in civil or criminal courts. Lindsay proved so chargeable, by the great number of his attendants, and his high manner of living, to the monks, that their chapter removed him from his post, and substituted in his place Alexander Ogilvy of Innerquharity, guardian to his nephew, John Ogilvy of Airley, who had an hereditary claim upon the bailiwick. This, notwithstanding their former intimacy, created an irreconcilable difference between the two families. Each com-
petitor

petitor strengthened himself, by calling in the assistance of his friends ; and the lord Gordon taking part with the Ogilvies, to whom he was then paying a visit, both parties mustered their forces in the neighbourhood of Aberbrothwic. The earl of Crawford, who was then at Dundee, posted from thence to Aberbrothwic, and placing himself between the two armies, he demanded to speak with Ogilvy ; but, before his request could be granted, he was killed by a common soldier, who was ignorant of his quality. His death exasperated his friends, who immediately rushed on their enemies ; and a bloody conflict ensued, which ended to the advantage of the Lindsays, that is, the earl of Crawford's party. On that of the Ogilvies were killed, Sir John Oliphant of Aberdagy, John Forbes of Pitligo, Alexander Barclay of Gartly, Robert Maxwell of Teling, Duncan Campbell of Campbelfether, William Gordon of Burrowfield, and others. With those gentlemen, about five hundred of their followers are said to have fallen ; but some accounts diminish that number. Innerquharity himself, in flying, was taken prisoner, and carried to the earl of Crawford's house at Finhaven, where he died of his wounds ; but the lord Gordon (or, as others call him, the earl of Huntley) escaped by the swiftness of his horse.

This battle seems to have let loose the fury of civil discord all over the kingdom. No re-

A. D. 1444.
Battle of
Aber-
brothwic,

1445.

redoubles
the distresses
of the
country.

A.D. 1445. gard was paid to magistracy, and no respect had to any consideration but to clergy. The most numerous, fiercest, and best-allied family wreaked its vengeance on its foes, either by force or treachery; and the enmity that actuated the parties, drowned in them every sentiment of honour, and every feeling of humanity. The Lindsays, secretly strengthened and abetted by the earl of Douglas, made no other use of their victory, than carrying fire and sword through the estates of their enemies; and thus all the North of Scotland presented scenes of murder and devastation. Towards the West, Robert Boyd of Duchal, governor of Dumbarton, basely surpris'd Sir James Stuart of Auchmynto, and treated his wife with such inhumanity, that she expired in three days, under her confinement in Dumbarton-castle. The castle of Dunbar was taken by Patric Hepburn of Hales. Alexander Dunbar dispossessed the latter of his castle of Hales; but it was retaken by the partizans of the earl of Douglas, whose tenants, particularly those of Annandale, are said to have behaved at that time with peculiar fierceness and cruelty. At last, the gentlemen of the country, who were unconnected with those robbers and murderers, which happened to be the case with many, shut themselves up in their several houses, each of which, in those days, was a petty fortress, which they victualled, and provided in the best manner they

they could for their own defence. This wife resolution seems to have been the first measure that composed the public commotions.

The earl of Douglas, whose power and influence at court still continued, was sensible that the clergy, with the wiser and more disinterested part of the kingdom, considered him as the source of the dreadful calamities which the nation suffered; and that James himself, when better informed, would be of the same opinion. He therefore sought to avail himself of the juncture, by forming secret but strong connections with the earls of Crawford, Ross, and other great noblemen, who wanted to see their feudal powers restored to their full vigour. The queen-dowager and her husband made little or no figure during this time of public confusion; and she had retired to the castle of Dunbar, while it was in Hepburn's possession, where she died soon after. She left by her second husband three sons; John, who in 1455 was made earl of Athol, by his uterine brother, the king; James, who under the next reign, in 1469, was created earl of Buchan; and Andrew, who afterwards became bishop of Murray. As the earl of Douglas was an enemy to the queen-dowager's husband, the latter retired to England, where he obtained a pass to go abroad, with twenty in his train; but being taken at sea by the Flemish pirates, he died in his confinement.

Death of
the queen-
mother.

A. D. 1446.
Severities
inflicted on
the Callen-
dar family.

The great point between the king and Sir William Crichton, whether the latter should give up the castle to his majesty, remained still undecided; and by the advice and direction of the earl of Douglas, who had been created lord-lieutenant of the kingdom, it had now suffered a nine months siege. Either the strength of the castle, or an opinion entertained by Douglas, that Crichton would be a valuable acquisition to his party, procured better terms for the latter than he could otherwise have expected; for he and his followers were offered a full indemnity for all past offences, and a promise was made that he should be restored not only to the king's favour, but to his former post of chancellor. He accepted of the conditions, but refused to act in any public capacity till they were confirmed by a parliament, which was soon after held at Perth, and in which he was restored to his estate and honours. By this reconciliation between Douglas and Crichton, the former was left at full liberty to prosecute his vengeance against the lord Callendar, the late governor, his friends and family. Their fate was deservedly thought hard. The governor himself, Sir James Dundas of Dundas, and Sir Robert Bruce of Clackmannan, were forced to save their lives by the loss of their estates; but even that could not procure them their liberty, for they were sent prisoners to the castle of Dumbarton. The fate of Alexander,

der, the governor's eldest son, and of two other gentlemen of his name and family, was still more lamentable, for they were condemned to lose their heads. Those severities being inflicted after the king had in a manner re-admitted the sufferers into his favour, swelled the public outcry against the earl of Douglas. We have in Lindsay an extract of the speech which Alexander Levingston, one of the most accomplished gentlemen of his time, made upon the scaffold, in which he complained, with great bitterness, of the cruel treatment his father, himself, and his friends had undergone; and that he suffered by a packed jury of his enemies.

The king was now about eighteen years of age, and it was thought proper that he should have a wife. His sister, the dauphiness of France, whose virtue, learning, and piety, the authors of that nation extol, was now dead; and, in case of the king's demise, the contest about the succession must have been very bloody. This was so evident, that the earl of Douglas himself fell in with the general desire, that a suitable match should be provided for James; and the chancellor, Crichton, was placed at the head of the negotiation. It was thought proper that the court of France should be previously consulted in this important affair; and a commission was granted at Stirling, on the sixth of May 1448, nominating Sir William

Treaty of marriage for the king, and an embassy to France.

Crichton,

A. D. 1448. Crichton, chancellor of Scotland, John bishop of Dunkeld, and Mr. Nicholas Otterburn, canon of Glasgow, and official of St. Andrew's, ambassadors for James, empowering them to renew the old league with the most illustrious Charles, his dear brother, and loving confederate, king of France. The commissioners were, at the same time, to look out for a proper match for their master in that kingdom, in order to prevent the intrigues which the court of England were forming to interrupt the good understanding between the two nations. To understand this last expression we are to observe, that the kings of France and England had, about this time, appointed an interview at Louvieres, to consult of a general peace, in which the Scots were apprehensive their interest would be neglected. Upon the arrival of the commissioners at Tours, where Charles kept his court, he appointed Theobald bishop of Meilleraie, the Sieur de Pretigni, and Mr. William Cousinot, his counsellors (as they are called in the record) to treat with them. Towards the end of December the ratifications of former treaties between the two nations, particularly that concluded between Charles the Fair and Robert Bruce, were agreed on, but with the following explanation: "That in case either of the two should make a truce with England, the other should be expressly comprised in it, and advertised of it within nine months;

months; who if he was willing to go into the same measures, the king of England was to be told so much, to prevent farther hostilities; but that if he rather inclined to prosecute the war, yet the league between Scotland and France was in all other respects to remain inviolable.”

A proper match for the king came next under deliberation; and none being found of the blood-royal of France, Charles recommended to the ambassadors Mary, the daughter of Arnold duke of Gueldres, by Catharine duchess of Cleve, daughter to John duke of Burgundy. This match was unexceptionable in point of alliance and family, and the ambassadors met with no difficulties in their negociation; but the marriage was not consummated till some time after. The renewal of the peace with France, and the compliment paid to that king in chusing a wife for James, exasperated the court of England, which, though split into factions at home, and overwhelmed by misfortunes abroad, resolved upon beginning hostilities with the Scots, whose historians say, that the truce between the two nations was not then expired. The greatness of the earl of Douglas in France as well as in Scotland, and his unpopularity, might have encouraged the English to hope for a civil war in Scotland, provided the party against the earl of Douglas had a prospect of being supported. Whatever might be in this, we know that hostilities immediately commenced

A. D. 1442.
James is
contracted
to Mary of
Gueldres.

A.D. 1448. menced upon the renewal of the league between Scotland and France. The earls of Salisbury and Northumberland entered Scotland at the head of two separate bodies. The former burnt the town of Dumfries, as the latter did that of Dunbar, while Sir John Douglas of Balveny made reprisals by plundering the county of Cumberland, and burning Alnwick. Upon the return of the English armies to their own country, additional levies were made, and a fresh invasion of Scotland was resolved upon under the earl of Northumberland, who had under him a lieutenant, whom the Scots of those days, from the bushiness and colour of his beard, called Magnus with the Red Mane. He was a soldier of fortune, but an excellent officer, having been trained in the French wars; and he is said to have demanded no other recompence for his services from the English court, but that he should enjoy all he could conquer in Scotland. The Scots, in the mean time, had raised an army commanded by George Douglas earl of Ormond, and under him by Wallace of Craigie, with the lords Maxwell and Johnston. The English having passed Solway Frith, ravaged all that part of the country which belonged to the Scots; but hearing that the earl of Ormond's army was approaching, called in their parties, and took up a camp on the banks of the river Sark. Their advanced guard was commanded by Magnus, their center

O F S C O T L A N D.

ter by the earl of Northumberland, and the ^A rear, which was composed of Welch, by Sir John Pennington, an officer of courage and experience.

The Scots drew up in three divisions likewise. ^T
Their right wing was commanded by Wallace, ^{ol}
their center by the earl of Ormond, and their ^w
left wing by the lords Maxwell and Johnston. ^E
Before the battle joined, the earl of Ormond ^{de}
harangued his men, and inspired them with very high resentment at the treachery of the English, who, he said, had broken the truce. The signal for battle being given, the Scots under Wallace rushed forward upon their enemies; but, as usual, were received by so terrible a discharge from the English archers, that their impetuosity must have been stopped, had not their brave leader, Wallace, put them in mind, that their forefathers had always been defeated in distant fights by the English, and that they ought to trust to their swords and spears; commanding them, at the same time, to follow his example. They obeyed, and broke in upon the division commanded by Magnus with such fury, as soon fixed the fortune of the day on the side of the Scots, their valour being suitably seconded by their other two divisions. The slaughter (which was the more considerable, as both parties fought with the utmost animosity) fell chiefly upon the division commanded by Magnus, who was killed, performing the part

A.D. 1448. of a brave officer; and all his body-guard, consisting of picked soldiers, were cut in pieces.

The battle then became general; Sir John Pennington's division, with that under the earl of Northumberland, was likewise routed; and the whole English army, struck by the loss of their champion, fled towards the Solway, where the river being swelled by the tide, numbers of them were drowned. The loss of the English in slain amounted to at least three thousand men. Among the prisoners were Sir John Pennington, Sir Robert Harrington, and the earl of Northumberland's eldest son, the lord Piercy, who lost his own liberty in forwarding his father's escape. Of the Scots about six hundred were killed, but none of note, excepting the brave Wallace, who died three months after, of the wounds he had received in the battle of Sark. The booty that was made on this occasion is said to have been greater than any that had fallen to the Scots since the battle of Bannockburn.

Great power
of the
Douglasses,
who gained
it,

There is great reason to believe, that the Douglasses magnified the report of this victory, to swell their importance at the French court. The authors of that nation, father Daniel particularly, speak of two battles gained at this time by the Scots over the English, who, they say, left four-and-twenty thousand men dead on the field; but this exaggeration is ridiculous, though it is very possible that the faction might magnify

magnify every little skirmish gained, into a battle. The duke of Brittany, who was married to a sister of James, and the sworn enemy of the English nation, had been comprehended as one of the allies of Charles, in the last truce made between the French and the English; but his castle of Fougères had, in defiance of the truce, been taken, plundered, and garrisoned by one Surrienne, a Spanish officer of rank in the English service. The duke complained to the English government of this breach of the truce, and of his subjects being plundered of sixteen hundred thousand crowns, but without effect; upon which, the war between the French and English was renewed with greater fury than ever; but so much to the advantage of the former, that in the year 1449, the English were in danger of being driven entirely out of France. The English, perceiving how ill they had succeeded by their late invasion, now expressed themselves willing to come to an accommodation with the Scots, as they had no hopes of that kind from France. The earl of Douglas and his brother, the earl of Ormond, with the rest of that family, were then in the summit of their power. After the battle of Sark, the king invited them to a noble entertainment, and complimented them highly upon the victory they had obtained; but he insinuated, at the same time, that the country was oppressed by robbers; and that they could

A.D. 1449.

1449.

A. D. 1449. not employ their power better than by restoring the internal peace of the kingdom. This they faithfully promised; and departing suddenly to their own estates, the country for some time resumed its tranquillity. James took that opportunity to signify his desire to see his bride, and to conclude a truce with England, that might procure her a safe passage to his dominions.

**A treaty of
truce with
England.**

As the English were then entirely pacific with regard to Scotland, on the tenth of May this year a commission was issued to Alexander lord Montgomery, Mr. John Methven, doctor of the decretals, or canon-law; Patric Cockburn of Newbigging, provost of the town, and governor of the castle, of Edinburgh; and Mr. Patric Young, for renewing the truce, which they did from the tenth of August to the twentieth of September following. The Douglasses, to give a new instance of their moderation, had agreed, that the lord Callendar should be released from his imprisonment, and created grand justiciary of Scotland. Upon the expiration of the short truce, a new commission was issued, which, besides the former commissioners, comprehended John bishop of Dunkeld, grand treasurer, Andrew abbot of Melros, and Alexander Levingston of Callendar, grand justiciary of Scotland, together with the lord Hamilton. Difficulties arising upon their meeting with the English plenipotentiaries at Durham, all that could be done was to prolong the truce
till

till the nineteenth of November. After this, A.D. 14
 another meeting was held at the same place;
 the commissioners for Scotland being the wor-
 shipful and religious father, Andrew abbot of
 Melros, the noble lord and baron, Andrew
 Gray, Mr. John Methven, doctor of the ca-
 non-law, master of the rolls and register, and
 Thomas Cranston, Esq. They for England
 were Robert bishop of Durham, John viscount
 Beaumont, constable of England, Sir Thomas
 Stanley, comptroller of the king's household,
 and Mr. Richard Andrew, secretary of state,
 and doctor of law. Those commissioners met
 on the fifteenth of November, when they came
 to the following very singular agreement:
 " That no precise time for the duration of the
 truce on either side should be fixed upon, but
 that a truce should actually take place; and if
 either king had a mind to recommence hos-
 tilities, he was to give the other a previous warn-
 ing of an hundred and eighty days."

Condition
of the war

The conservators of this agreement, on the
 part of England, were the dukes of Bucking-
 ham, Norfolk, and Suffolk; the earls of Sa-
 rum, Northumberland, and Oxford; the vis-
 counts of Beaumont and Clifford; the lord
 baron of Graystoc, and others. They for Scot-
 land were the earls of Douglas, Angus, Ross,
 Murray, and Crawford; the barons¹ of Crich-
 ton, Sinclair, Somerwel, Maxwell, Montgomery,
 Gray, Hepburn of Hales, and James Crichton;
 the

- A. D. 1449. the sheriffs of Angus and Fife; Simon Glenduning, Archibald Douglas, William Cranston, Walter Scot, Robert Crichton, Alexander Home, David Home, and Alexander Ramsay, knights; James Rutherford, Nicholas Rutherford, Thomas Cranston, William Karlehill, William Douglas, Adam Johnston, and William Lauder. Some other particulars occurred in this treaty. Richard Andrew, a secretary to the king of England, made use of the empty precaution of protesting, that the treaty should be of no prejudice to his master's claim of superiority over Scotland. On the other hand, Mr. John Methven, as lord-register of Scotland, promised by instrument, that the garrisons and inhabitants of Roxburgh and Berwic should meet with no molestation during the truce, and have the full enjoyment of the contiguous lands. It was likewise provided by both parties, that the debateable lands on the borders should be peaceably possessed by both parties, without any prejudice accruing to the rights of either. This treaty was ratified by the king of England on the twentieth of April 1450, and by James on the ninth of June thereafter.

James exasperated at the Douglasses.

It is uncertain whether the subsequent part of James's administration was dictated by his own genius, or by a new set of favourites; but we know that the interest of the Douglasses, about this time, sensibly declined at his

A.D. 1450.

his court. Fresh complaints were multiplied of the encrease of robberies, and the protection that thieves met with from Douglas and his friends. One of the latter, James Auchinlec, who is likewise said to have been his near kinsman, had quarrelled with Sir Richard Colvil of Ochiltrie, who complained of the other's oppressions; and Auchinlec, in the course of the dispute, was killed. The earl, instead of letting the law have its course, immediately assembled a strong party of his friends, besieged and took the castle of Ochiltrie, put Colvil, and all within it, to the sword, excepting those who were unable to bear arms. This barbarity was aggravated by the readiness with which it was executed; for the earl, hearing of his friend's death, swore that he would neither eat, drink, nor sleep, till he had revenged it. Even the best of his friends did not attempt to justify his conduct; and James saw plainly, that Douglas had more power than he himself had in his own kingdom. Upon the conclusion of the late truce, the royal bride had landed in Scotland, with a magnificent train of princes, prelates, and noblemen, particularly the bishops of Liege and Cambray, the princes of Ravestein, Vere, and Bergen, the earl of Nassau, and others. The ceremony of the marriage, which was performed at Holyrood-house in July this year, was very pompous. The earl of Douglas now saw his interest gone with
the

Arrival of
the queen in
Scotland.

A.D. 1450. the king, and resigning his lieutenantcy, he had retired to his own estates. His natural vanity and presumption being supported by an immense revenue, and a following more befitting a sovereign than a subject, he formed the resolution of displaying his pomp and power on the continent, which was filled with the fame of his ancestors, and of making a tour to Rome itself. This measure might have been not only proper but laudable, had it been undertaken upon right principles, or had the earl's conduct been irreproachable; but he meant it as a defiance to his sovereign, whom he now left in the hands of his young bride, and his old enemies, Crichton and Callendar. By the description we have of his attendants and equipages, they were truly magnificent. Lindsay says, that he was attended by the knights and lords of Hamilton, Graham, Saltoun, Seaton, and Oliphant, with many other knights and gentlemen. Landing in Flanders, he passed to France, and there visited Charles the seventh, who received him with that splendor and respect that was due from the crown of France to the family of Douglas; and from thence he went to Rome, about the time of the Jubilee.

Douglas
goes to
Rome.

Acts of
parliament
against him.

He had left the lord Ormond the administrator of all his affairs in Scotland; but James, at this time, was acting with a firmness and intrepidity that does great honour to his memory,

mony, by re-establishing the kingly authority, under sanction of the laws and the constitution. He assembled a parliament at Edinburgh, where several statutes were made. One for declaring the king's peace (by which is meant no other than the civil institutions of the country) when proclaimed, to be sufficient security for the life and fortune of every subject; and cancelling all other securities which had been usually taken in those times of public distraction. It was enacted in the same parliament, that all offences should be cognizable and punished by the king or his officers; and that the king should be enabled to make such officers as can well, and may well, punish such trespassers. Another statute passed against all such as should presume to rebel against the king's person, or his authority. A third act, which passed at this time, is extremely remarkable. As the words are obsolete, the reader will find them in the notes *; but the meaning is, that if any man commit treason against the king's person or

* " Item, it is statute and ordainit, that zif any man, as God forbid, commit or do treasoun againis the kingis persoun or his majestie, or risis in feir of weir againis him, or lays handis upon his persoun violently, quhat age the king be of, zoung or ould, cr resettis ony that has commitit treasoun, or that supplis them in help, red or counsal, or that stufis the houses of them that are convict of treasoun, and haldis tham againis the king, or that stufis houses of thair awin in furthering of the kingis rebellis, or that assailzies castellis or placis quhair the kingis persoun shall happin to be, without the consent of the thre estatis, shall be punist as traifouris."

A.D. 1456. majesty, or rises in actual war against him (for such is the true import of the expression, *feir of weir*) or violently lays hands on his person, at whatever age he may be of, young or old, or shall help, abet, or counsel traitors who mann their houses against the king, or who fortify their own houses in support of his rebels, or who, without consent of the three estates, shall assail any castles or places where the king's person shall happen to be, will be punished as traitors.

The words of the last part of this act are so exprefs and stubborn, that it is in vain for Abercromby, or the favourers of arbitrary power, to endeavour to explain them away. They undoubtedly establish the doctrine of constitutional resistance, and evidently distinguish between the king acting for, or against, the authority of his parliament. This principle is so plain, that it would be almost ridiculous to employ a single line in answering the many pages which those writers have employed in wresting them to an opposite sense. All they can say (and even that is but a poor evasion) is, that the three estates, in passing this act, supposed, that the king might be made a prisoner against his will by traitors, and that those good subjects, who attempted to deliver him, should be indemnified. Many other expressions in the acts, which passed in the same parliament, are so many separate proofs that the king was always
supposed

supposed to be entrusted with the executive A.D. 14 power only for the good of the people; and that he was even compellable to act according to the laws and the constitution.

Many other provisions which passed in the same parliament, strongly evince, how well the members could trace the great outlines of public liberty; and we find them, perhaps, more strongly delineated here than they were in England, or any other nation, at that time. The king mentioned by this parliament is the king that is armed with the laws, of which he is the guardian; but not a king subject to the lust of power, or the caprices of passion. James finding his authority thus fortified by his parliament, proceeded fearlessly in the reformation of abuses committed by the greatest offenders. The clamour against the oppressions of the Douglasses continuing from all quarters, he appointed, in the terms of law, a day on which they were to appear to the charges against them; but he proceeded in a more summary manner against the immediate instruments of the public grievances, as they could no longer plead the security given them by their principals. One Simington, a bailiff to the earl of Douglas, was summoned to appear before the king's court; but he declined it, and was therefore committed to prison. He was, however, soon after set at liberty, on condition of his making restitution out of his master's estates for the damages done to the complainants.

*Proceeding
against his
followers.*

A. D. 1450. plainants. William Sinclair earl of Orkney was sent to put this sentence in execution on behalf of the laws; but, not being attended by a proper force, he returned with discredit to the royal mandate. The king, who now found that his authority would be supported by his subjects when he took the resolution to assert it in person, was soon at the head of an army strong enough to compel the rebels to their duty. Being declared traitors in the common forms of law, James resolved to treat them as such. He divided his army into two parts; the one he sent to Galloway, and with the other he marched in person against the castle of Douglas. The former was baffled by the rebels, who had taken possession of the strong passes of the country; and rejoining the army under James, he besieged the castle of Douglas, which, after it had made a brave defence, he took; and, to strike the rebels with greater terror, ordered it to be demolished. He then advanced against the castle of Lochmaben, and, though strongly garrisoned, and well provided for a siege, it was immediately surrendered, and for that reason saved; but received a new garrison of royalists. The firmness of James soon daunted the rebels, and many of them threw themselves upon his mercy; but, though he spared their lives, he stripped them of their effects, which he bestowed on those whom they had plundered or defrauded.

A civil war
on his ac-
count.

• Drum-

Drummond says, that when the news of the king's success reached Rome, so many of Douglas's attendants shrunk from him, that where lately he appeared as a prince, he seemed now scarce a private gentleman. This may be true, but he still retained a considerable number of attendants; for we find a passport granted to him from the court of England, on the twelfth of November 1450, in which are inserted the names of about thirteen gentlemen of families and fortunes, with eighty more, noble or ignoble, as the record mentions, who were promised protection and safety in England for the space of three years; for so long did the earl propose to sojourn in England. As we are ignorant of the particular time when the news of the earl's disasters reached Rome, this passport might have been obtained before; but it serves to give us an authentic account of the splendor in which Douglas travelled. According to Lindsay, many of his chief attendants left him upon his return home; some of them taking the way of France, and others of Flanders, to embark for their own country. Upon his arrival in England, he sent his brother, James, to know the disposition of the king towards him and his friends. That prince thought he had done enough to vindicate his own authority; and, unwilling to plunge his country in blood, expressed himself very willing to pardon the earl for all that was past, upon his promising to behave

A. D. 14
He leave
Rome.

A. D. 1450. behave for the future as a good subject, and to give no countenance to thieves and public robbers, but join with the civil authority in bringing them to justice. All this was promised on the earl's part; and he was not only pardoned by James, but taken into favour, and, according to the histories of that reign, restored to his former place of lieutenant of the kingdom; but this is contradicted by Abercromby, tho' I think upon slender or no grounds. All his castles and houses were restored to him at the same time.

1451.
Fresh nego-
tiations
with Eng-
land

In April 1451, a commission was issued by James for settling his differences with the court of England, occasioned by the breaches of the late truce; and the earl of Douglas was at the head of this negociation. The other commissioners were the bishops of Dunkeld and Brechin, the earls of Angus and Crawford, the lords Somerville, Montgomery, Glamis, and Gray, Sir John David of Murray, and Alexander Nairn of Sandford. We know nothing of the success of this negociation; but there is great reason to believe, that the earl of Douglas was, at this time, laying the plan of a rebellion, and of procuring, at all events, the friendship of the court of England. In the month of May, after the commission I have last-mentioned was expedited, a protection for one year was granted by the king of England to the earl of Douglas, and the following persons;

sons: Sir James Douglas, Archibald Douglas, A. D. 141
earl of Murray, Hugh Douglas, earl of Ormond, all three his brothers; Sir Alexander Hume, James lord Hamilton, knight, Sir William Meldrum, Sir William Lauder of Halton, Thomas Cranston, Sir James Douglas of Ralston, Allan of Cathcart, Sir David Hume, Sir John Ross, George Alexander, David Hoppringle, William Baillie, George and Mark Haliburton, Allan Lauder Charris, William Grierison, John Menzies, Mr. Adam Auchinlec, Mr. John Clark, Thomas Ker, James Ker, and to sixty-seven more in their company, noble or ignoble, armed or unarmed, on horse or foot. This protection was certainly obtained clandestinely, without the knowledge of James; as it contains the names of the heads of the Douglas party. What the earl's real intentions were, does not absolutely appear from history; but I am of opinion that his chief views, and those of his party, were to restore the feudal superiorities in Scotland, and to repeal all the institutions which favoured the laws or the civil power. Thus all dependence of the great landholders upon the king in the executive parts of government or justice must have ceased; and little more besides his family-revenues, a precedence in his own courts (and even there he had no voice) the wardships and the customs must have been left to support his royalty; for without his barons he had no power of taxation.

To-

A. D. 1451,
renewed.

Towards the end of July, a new commission was issued to the following persons : the bishop of Glasgow, Dunkeld, Brechin, and Galloway ; George earl of Angus, Alexander earl of Crawford, Alexander earl of Huntley and Gordon, John lord Lindsay of Byres, Patric lord Graham, William lord Somerville, Alexander lord Montgomery, Andrew lord Gray, Mr. John Methven, lord-register, Sir Alexander Hume of Hume, Alexander Nairn, James Parkle, and Alexander Napier. Their business was to prolong the treaty of truce ; and they met for that purpose on the fourteenth of August 1451, in St. Nicholas's church at Newcastle, with the English commissioners, the chief of whom were the bishops of Durham and Carlisle, the earl of Salisbury, and the lord Henry Piercy. It was there agreed, that the truce should be prolonged (under the same protests and conditions as passed at Durham in 1449) from the fifteenth of August 1451, to the fifteenth of the same month 1454.

END of the THIRD VOLUME.



